
SENATE BILL 5702

State of Washington 58th Legislature 2003 Regular Session

By Senators Benton, Finkbeiner, Esser, Mulliken, Swecker, Schmidt, Rossi, Johnson, Zarelli, McCaslin, Stevens and Horn

Read first time 02/06/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to transportation efficiency; amending RCW
2 47.01.021, 47.01.041, 43.17.020, 43.160.074, 36.57A.070, 36.79.010,
3 36.79.120, 36.79.130, 36.120.020, 47.64.011, 47.64.170, 47.80.060,
4 46.44.042, 46.44.080, 46.44.096, 46.44.090, 46.44.092, 46.61.450,
5 47.01.012, 35.58.2795, 47.56.070, 47.01.071, 47.01.250, 47.01.280,
6 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.06.030, 47.06.050,
7 47.12.242, 47.12.330, 47.24.010, 47.26.170, 47.26.440, 47.28.010,
8 47.28.170, 47.38.060, 47.56.120, 47.56.250, 47.52.133, 47.52.145,
9 47.52.210, 47.56.080, 47.02.120, 47.02.140, 47.10.843, 47.10.844,
10 47.12.200, 47.12.220, 47.17.132, 47.46.090, 47.46.120, 47.56.032,
11 47.56.030, 47.56.076, 47.56.110, 47.60.013, 47.60.150, 47.60.326,
12 47.60.330, 47.60.445, 47.60.800, 36.120.050, 41.06.380, 39.12.010,
13 39.12.015, 39.12.020, 47.60.120, 47.64.090, 43.17.200, 47.30.050,
14 46.61.165, and 47.52.025; reenacting and amending RCW 43.160.010;
15 adding new sections to chapter 47.01 RCW; adding new sections to
16 chapter 44.40 RCW; adding a new section to chapter 47.38 RCW; adding a
17 new section to chapter 47.60 RCW; adding a new section to chapter 47.04
18 RCW; adding a new section to chapter 47.52 RCW; adding a new section to
19 chapter 82.32 RCW; creating new sections; repealing RCW 47.01.051,
20 47.01.061, 47.76.200, 47.76.210, 47.76.220, 47.76.230, 47.76.240,
21 47.76.250, 47.76.270, 47.76.280, 47.76.290, 47.76.300, 47.76.310,

1 47.76.320, 47.76.330, 47.76.340, 47.76.350, 47.82.010, 47.82.020,
2 47.82.030, 47.82.040, 81.100.010, 81.100.020, 81.100.030, 81.100.040,
3 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090, 81.100.100,
4 and 46.68.080; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** This act may be known as the Transportation
7 Efficiency Act of 2003.

8 **PART I**

9 **REFORMING TRANSPORTATION GOVERNANCE**

10 **ABOLISHING THE TRANSPORTATION COMMISSION AND GUBERNATORIAL APPOINTMENT**
11 **OF THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION**

12 **Sec. 101.** RCW 47.01.021 and 1977 ex.s. c 151 s 2 are each amended
13 to read as follows:

14 As used in this title unless the context indicates otherwise:

15 (1) "Department" means the department of transportation created in
16 RCW 47.01.031;

17 (2) "Commission" means the ~~((transportation commission created in~~
18 ~~RCW 47.01.051))~~ secretary of transportation;

19 (3) "Committee" means the legislative transportation committee
20 created in chapter 44.40 RCW;

21 (4) "Secretary" means the secretary of transportation as provided
22 for in RCW 47.01.041.

23 **Sec. 102.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
24 amended to read as follows:

25 The executive head of the department of transportation shall be the
26 secretary of transportation, who shall be appointed by the
27 ~~((transportation commission))~~ governor and confirmed by the senate, and
28 shall be paid a salary to be fixed by the governor in accordance with
29 the provisions of RCW 43.03.040. ~~((The secretary shall be an ex~~
30 ~~officio member of the commission without a vote. The secretary shall~~
31 ~~be the chief executive officer of the commission and be responsible to~~
32 ~~it, and shall be guided by policies established by it.))~~ The secretary

1 shall serve (~~until removed by the commission, but only for incapacity,~~
2 ~~incompetence, neglect of duty, malfeasance in office, or failure to~~
3 ~~carry out the commission's policies. Before a motion for dismissal~~
4 ~~shall be acted on by the commission, the secretary shall be granted a~~
5 ~~hearing on formal written charges before the full commission. An~~
6 ~~action by the commission to remove the secretary shall be final~~) at
7 the pleasure of the governor.

8 **Sec. 103.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each
9 amended to read as follows:

10 There shall be a chief executive officer of each department to be
11 known as: (1) The secretary of social and health services, (2) the
12 director of ecology, (3) the director of labor and industries, (4) the
13 director of agriculture, (5) the director of fish and wildlife, (6) the
14 secretary of transportation, (7) the director of licensing, (8) the
15 director of general administration, (9) the director of community,
16 trade, and economic development, (10) the director of veterans affairs,
17 (11) the director of revenue, (12) the director of retirement systems,
18 (13) the secretary of corrections, (~~and~~) (14) the secretary of
19 health, and (15) the director of financial institutions.

20 Such officers, except the (~~secretary of transportation and the~~)
21 director of fish and wildlife, shall be appointed by the governor, with
22 the consent of the senate, and hold office at the pleasure of the
23 governor. (~~The secretary of transportation shall be appointed by the~~
24 ~~transportation commission as prescribed by RCW 47.01.041.~~) The
25 director of fish and wildlife shall be appointed by the fish and
26 wildlife commission as prescribed by RCW 77.04.055.

27 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO THE**
28 **LEGISLATIVE TRANSPORTATION COMMITTEE**

29 **Sec. 104.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5
30 are each reenacted and amended to read as follows:

31 (1) The legislature finds that it is the public policy of the state
32 of Washington to direct financial resources toward the fostering of
33 economic development through the stimulation of investment and job
34 opportunities and the retention of sustainable existing employment for
35 the general welfare of the inhabitants of the state. Reducing

1 unemployment and reducing the time citizens remain jobless is important
2 for the economic welfare of the state. A valuable means of fostering
3 economic development is the construction of public facilities which
4 contribute to the stability and growth of the state's economic base.
5 Strengthening the economic base through issuance of industrial
6 development bonds, whether single or umbrella, further serves to reduce
7 unemployment. Consolidating issues of industrial development bonds
8 when feasible to reduce costs additionally advances the state's purpose
9 to improve economic vitality. Expenditures made for these purposes as
10 authorized in this chapter are declared to be in the public interest,
11 and constitute a proper use of public funds. A community economic
12 revitalization board is needed which shall aid the development of
13 economic opportunities. The general objectives of the board should
14 include:

15 (a) Strengthening the economies of areas of the state which have
16 experienced or are expected to experience chronically high unemployment
17 rates or below average growth in their economies;

18 (b) Encouraging the diversification of the economies of the state
19 and regions within the state in order to provide greater seasonal and
20 cyclical stability of income and employment;

21 (c) Encouraging wider access to financial resources for both large
22 and small industrial development projects;

23 (d) Encouraging new economic development or expansions to maximize
24 employment;

25 (e) Encouraging the retention of viable existing firms and
26 employment; and

27 (f) Providing incentives for expansion of employment opportunities
28 for groups of state residents that have been less successful relative
29 to other groups in efforts to gain permanent employment.

30 (2) The legislature also finds that the state's economic
31 development efforts can be enhanced by, in certain instances, providing
32 funds to improve state highways, county roads, or city streets for
33 industries considering locating or expanding in this state.

34 (a) The legislature finds it desirable to provide a process whereby
35 the need for diverse public works improvements necessitated by planned
36 economic development can be addressed in a timely fashion and with
37 coordination among all responsible governmental entities.

1 (b) Transportation improvements on state highways that have been
2 approved by the community economic revitalization board must be
3 approved by the legislative transportation (~~commission~~) committee in
4 accordance with the procedures established by RCW 43.160.074 and
5 47.01.280 to receive funding.

6 (3) The legislature also finds that the state's economic
7 development efforts can be enhanced by, in certain instances, providing
8 funds to assist development of telecommunications infrastructure that
9 supports business development, retention, and expansion in rural
10 natural resources impact areas and rural counties of the state.

11 (4) The legislature also finds that the state's economic
12 development efforts can be enhanced by providing funds to improve
13 markets for those recyclable materials representing a large fraction of
14 the waste stream. The legislature finds that public facilities which
15 result in private construction of processing or remanufacturing
16 facilities for recyclable materials are eligible for consideration from
17 the board.

18 (5) The legislature finds that sharing economic growth statewide is
19 important to the welfare of the state. Rural counties and rural
20 natural resources impact areas do not share in the economic vitality of
21 the Puget Sound region. The ability of these communities to pursue
22 business and job retention, expansion, and development opportunities
23 depends on their capacity to ready necessary economic development
24 project plans, sites, permits, and infrastructure for private
25 investments. Project-specific planning, predevelopment, and
26 infrastructure are critical ingredients for economic development.
27 Rural counties and rural natural resources impact areas generally lack
28 these necessary tools and resources to diversify and revitalize their
29 economies. It is, therefore, the intent of the legislature to increase
30 the amount of funding available through the community economic
31 revitalization board for rural counties and rural natural resources
32 impact areas, and to authorize flexibility for available resources in
33 these areas to help fund planning, predevelopment, and construction
34 costs of infrastructure and facilities and sites that foster economic
35 vitality and diversification.

36 **Sec. 105.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to
37 read as follows:

1 (1) An application to the board from a political subdivision may
2 also include a request for improvements to an existing state highway or
3 highways. The application is subject to all of the applicable criteria
4 relative to qualifying types of development set forth in this chapter,
5 as well as procedures and criteria established by the board.

6 (2) Before board consideration of an application from a political
7 subdivision that includes a request for improvements to an existing
8 state highway or highways, the application shall be forwarded by the
9 board to the legislative transportation (~~(commission)~~) committee.

10 (3) The board may not make its final determination on any
11 application made under subsection (1) of this section before receiving
12 approval, as submitted or amended or disapproval from the legislative
13 transportation (~~(commission)~~) committee as specified in RCW 47.01.280.
14 Notwithstanding its disposition of the remainder of any such
15 application, the board may not approve a request for improvements to an
16 existing state highway or highways without the approval as submitted or
17 amended of the legislative transportation (~~(commission)~~) committee as
18 specified in RCW 47.01.280.

19 (4) The board shall notify the legislative transportation
20 (~~(commission)~~) committee of its decision regarding any application made
21 under this section.

22 **Sec. 106.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
23 as follows:

24 The comprehensive transit plan adopted by the authority shall be
25 reviewed by the (~~(state)~~) legislative transportation (~~(commission)~~)
26 committee to determine:

27 (1) The completeness of service to be offered and the economic
28 viability of the transit system proposed in such comprehensive transit
29 plan;

30 (2) Whether such plan integrates the proposed transportation system
31 with existing transportation modes and systems that serve the benefit
32 area;

33 (3) Whether such plan coordinates that area's system and service
34 with nearby public transportation systems;

35 (4) Whether such plan is eligible for matching state or federal
36 funds;

1 After reviewing the comprehensive transit plan, the ((state))
2 legislative transportation ((~~commission shall have~~)) committee has
3 sixty days in which to approve such plan and to certify to the state
4 treasurer that such public transportation benefit area shall be
5 eligible to receive the motor vehicle excise tax proceeds authorized
6 pursuant to RCW 35.58.273, as now or hereafter amended in the manner
7 prescribed by chapter 82.44 RCW, as now or hereafter amended. To be
8 approved a plan shall provide for coordinated transportation planning,
9 the integration of such proposed transportation program with other
10 transportation systems operating in areas adjacent to, or in the
11 vicinity of the proposed public transportation benefit area, and be
12 consistent with the public transportation coordination criteria adopted
13 pursuant to the urban mass transportation act of 1964 as amended as of
14 July 1, 1975. In the event such comprehensive plan is disapproved and
15 ruled ineligible to receive motor vehicle tax proceeds, the ((state))
16 legislative transportation ((~~commission~~)) committee shall provide
17 written notice to the authority within thirty days as to the reasons
18 for such plan's disapproval and such ineligibility. The authority may
19 resubmit such plan upon reconsideration and correction of such
20 deficiencies in the plan cited in such notice of disapproval.

21 **Sec. 107.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read
22 as follows:

23 The definitions set forth in this section apply throughout this
24 chapter unless the context clearly requires otherwise.

25 (1) "Rural arterial program" means improvement projects on those
26 county roads in rural areas classified as rural arterials and
27 collectors in accordance with the federal functional classification
28 system and the construction of replacement bridges funded by the
29 federal bridge replacement program on access roads in rural areas.

30 (2) "Rural area" means every area of the state outside of areas
31 designated as urban areas by the ((state)) legislative transportation
32 ((~~commission~~)) committee with the approval of the secretary of the
33 United States Department of Transportation in accordance with federal
34 law.

35 (3) "Board" means the county road administration board created by
36 RCW 36.78.030.

1 **Sec. 108.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
2 as follows:

3 Counties receiving funds from the rural arterial trust account for
4 construction of arterials and the construction of replacement bridges
5 funded by the federal bridge replacement program on access roads in
6 rural areas shall provide such matching funds as established by rules
7 recommended by the board, subject to review, revision, and final
8 approval by the ((state)) legislative transportation ((commission))
9 committee. Matching requirements shall be established after
10 appropriate studies by the board, taking into account financial
11 resources available to counties to meet arterial needs.

12 **Sec. 109.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
13 amended to read as follows:

14 Not later than November 1st of each even-numbered year the board
15 shall prepare and present to the ((state)) legislative transportation
16 ((commission)) committee a recommended budget for expenditures from the
17 rural arterial trust account during the ensuing biennium. The budget
18 shall contain an estimate of the revenues to be credited to the rural
19 arterial trust account.

20 The ((state)) legislative transportation ((commission)) committee
21 shall review the budget as recommended, revise the budget as it deems
22 proper, and include the budget as revised as a separate section of the
23 transportation budget which it shall submit to the governor pursuant to
24 chapter 43.88 RCW.

25 **Sec. 110.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
26 read as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "Board" means the governing body of a regional transportation
30 investment district.

31 (2) "Department" means the Washington state department of
32 transportation.

33 (3) "Highway of statewide significance" means an existing or
34 proposed state route or federal interstate designated as a highway of
35 statewide significance by the legislative transportation ((commission))
36 committee, its successor entity, or the legislature.

1 (4) "Lead agency" means a public agency that by law can plan,
2 design, and build a transportation project and has been so designated
3 by the district.

4 (5) "Regional transportation investment district" or "district"
5 means a municipal corporation whose boundaries are coextensive with two
6 or more contiguous counties and that has been created by county
7 legislative authorities and a vote of the people under this chapter to
8 implement a regional transportation investment plan.

9 (6) "Regional transportation investment district planning
10 committee" or "planning committee" means the advisory committee created
11 under RCW 36.120.030 to create and propose to county legislative
12 authorities a regional transportation investment plan to develop,
13 finance, and construct transportation projects.

14 (7) "Regional transportation investment plan" or "plan" means a
15 plan to develop, construct, and finance a transportation project or
16 projects.

17 (8) "Transportation project" means:

18 (a) A capital improvement or improvements to a highway that has
19 been designated, in whole or in part, as a highway of statewide
20 significance, including an extension, that:

21 (i) Adds a lane or new lanes to an existing state or federal
22 highway; or

23 (ii) Repairs or replaces a lane or lanes damaged by an event
24 declared an emergency by the governor before January 1, 2002.

25 (b) A capital improvement or improvements to all or a portion of a
26 highway of statewide significance, including an extension, and may
27 include the following associated multimodal capital improvements:

28 (i) Approaches to highways of statewide significance;

29 (ii) High-occupancy vehicle lanes;

30 (iii) Flyover ramps;

31 (iv) Park and ride lots;

32 (v) Bus pullouts;

33 (vi) Vans for vanpools;

34 (vii) Buses; and

35 (viii) Signalization, ramp metering, and other transportation
36 system management improvements.

37 (c) A capital improvement or improvements to all or a portion of a

1 city street, county road, or existing highway or the creation of a new
2 highway that intersects with a highway of statewide significance, if
3 all of the following conditions are met:

4 (i) The project is included in a plan that makes highway
5 improvement projects that add capacity to a highway or highways of
6 statewide significance;

7 (ii) The secretary of transportation determines that the project
8 would better relieve traffic congestion than investing that same money
9 in adding capacity to a highway of statewide significance;

10 (iii) Matching money equal to one-third of the total cost of the
11 project is provided by local entities, including but not limited to a
12 metropolitan planning organization, county, city, port, or private
13 entity in which a county participating in a plan is located. Local
14 entities may use federal grants to meet this matching requirement;

15 (iv) In no case may the cumulative regional transportation
16 investment district contribution to all projects constructed under this
17 subsection (8)(c) exceed ten percent of the revenues generated by the
18 district;

19 (v) In no case may the cumulative regional transportation
20 investment district contribution to all projects constructed under this
21 subsection (8)(c) exceed one billion dollars; and

22 (vi) The specific projects are included within the plan and
23 submitted as part of the plan to a vote of the people.

24 (d) Operations, preservation, and maintenance are excluded from
25 this definition and may not be included in a regional transportation
26 investment plan.

27 (9) "Weighted vote" means a vote that reflects the population each
28 board or planning committee member represents relative to the
29 population represented by the total membership of the board or planning
30 committee. Population will be determined using the federal 2000 census
31 or subsequent federal census data.

32 **Sec. 111.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
33 as follows:

34 As used in this chapter, unless the context otherwise requires, the
35 definitions in this section shall apply.

36 (1) "Arbitration" means the procedure whereby the parties involved

1 in an impasse submit their differences to a third party for a final and
2 binding decision or as provided in this chapter.

3 (2) "Arbitrator" means either a single arbitrator or a panel of
4 three arbitrators as provided in RCW 47.64.240.

5 (3) "Collective bargaining representative" means the persons
6 designated by the secretary of transportation and employee
7 organizations to be the exclusive representatives during collective
8 bargaining negotiations.

9 (4) "Department of transportation" means the department as defined
10 in RCW 47.01.021.

11 (5) "Ferry employee" means any employee of the marine
12 transportation division of the department of transportation who is a
13 member of a collective bargaining unit represented by a ferry employee
14 organization and does not include an exempt employee pursuant to RCW
15 41.06.079.

16 (6) "Ferry employee organization" means any labor organization
17 recognized to represent a collective bargaining unit of ferry
18 employees.

19 (7) "Ferry system management" means those management personnel of
20 the marine transportation division of the department of transportation
21 who have been vested with the day-to-day management responsibilities of
22 the Washington state ferry system by the legislative transportation
23 (~~commission~~) committee and who are not members of a collective
24 bargaining unit represented by a ferry employee organization.

25 (8) "Lockout" means the refusal of ferry system management to
26 furnish work to ferry employees in an effort to get ferry employee
27 organizations to make concessions during collective bargaining,
28 grievance, or other labor relation negotiations. Curtailment of
29 employment of ferry employees due to lack of work resulting from a
30 strike or work stoppage, as defined in subsection (11) of this section,
31 shall not be considered a lockout.

32 (9) "Marine employees' commission" means the commission created in
33 RCW 47.64.280.

34 (10) "Office of financial management" means the office as created
35 in RCW 43.41.050.

36 (11) "Strike or work stoppage" means a ferry employee's refusal, in
37 concerted action with others, to report to duty, or his or her willful
38 absence from his or her position, or his or her stoppage or slowdown of

1 work, or his or her abstinence in whole or in part from the full,
2 faithful, and proper performance of the duties of employment, for the
3 purpose of inducing, influencing, or coercing a change in conditions,
4 compensation, rights, privileges, or obligations of his, her, or any
5 other ferry employee's employment. A refusal, in good faith, to work
6 under conditions which pose an endangerment to the health and safety of
7 ferry employees or the public, as determined by the master of the
8 vessel, shall not be considered a strike for the purposes of this
9 chapter.

10 (12) "Legislative transportation ((~~commission~~)) committee" means
11 the ((~~commission~~)) committee as defined in chapter 44.40 RCW
12 ((~~47.01.021~~)).

13 **Sec. 112.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
14 as follows:

15 (1) Any ferry employee organization certified as the bargaining
16 representative shall be the exclusive representative of all ferry
17 employees in the bargaining unit and shall represent all such employees
18 fairly.

19 (2) A ferry employee organization or organizations and the
20 secretary of transportation may each designate any individual as its
21 representative to engage in collective bargaining negotiations.

22 (3) Negotiating sessions, including strategy meetings of ferry
23 system management or employee organizations, mediation, and the
24 deliberative process of arbitrators are exempt from the provisions of
25 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
26 the public by mutual consent of the parties. Any meeting of the
27 legislative transportation ((~~commission~~)) committee, during which a
28 collective bargaining agreement is subject to ratification, shall be
29 open to the public.

30 (4) Terms of any collective bargaining agreement may be enforced by
31 civil action in Thurston county superior court upon the initiative of
32 either party.

33 (5) Ferry system employees or any employee organization shall not
34 negotiate or attempt to negotiate directly with a member of the
35 legislative transportation ((~~commission~~)) committee if the
36 ((~~commission~~)) committee has appointed or authorized a bargaining
37 representative for the purpose of bargaining with the ferry employees

1 or their representative, unless the member of the (~~commission~~)
2 committee is the designated bargaining representative of the ferry
3 system.

4 (6) The negotiation of a proposed collective bargaining agreement
5 by representatives of ferry system management and a ferry employee
6 organization shall commence in each odd-numbered year immediately
7 following adoption by the legislature and approval by the governor of
8 the biennial budget.

9 (7) Until a new collective bargaining agreement is negotiated, or
10 until an award is made by the arbitrator, the terms and conditions of
11 the previous collective bargaining agreement shall remain in force.
12 The wage and benefit provisions of any collective bargaining agreement,
13 or arbitrator's award in lieu thereof, that is concluded after July 1st
14 of an odd-numbered year shall be retroactive to July 1st. It is the
15 intent of this section that the collective bargaining agreement or
16 arbitrator's award shall commence on July 1st of each odd-numbered year
17 and shall terminate on June 30th of the next odd-numbered year to
18 coincide with the ensuing biennial budget year, as defined by RCW
19 43.88.020(7), to the extent practical.

20 (8) Any ferry union contract terminating before July 1, 1983,
21 shall, with the agreement of the parties, remain in effect until a
22 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
23 through 47.64.280. The contract may be retroactive to the expiration
24 date of the prior contract, and the cost to the department of three
25 months retroactive compensation and benefits for this 1983 contract
26 negotiation only shall not be included in calculating the limitation
27 imposed by RCW 47.64.180. If the parties cannot agree to contract
28 extension, any increase agreed to for the three-month period shall be
29 included in calculating the limit imposed by RCW 47.64.180.

30 (9) Any ferry union contract which would terminate after July 1,
31 1983, may, by agreement of the parties, be terminated as of July 1,
32 1983, and a new contract concluded pursuant to RCW 47.64.006,
33 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
34 after July 1, 1983, is subject to this chapter only upon its expiration
35 and shall not be renewed for a period beyond July 1, 1985.

36 **Sec. 113.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to
37 read as follows:

1 In order to qualify for state planning funds available to regional
2 transportation planning organizations, the regional transportation
3 planning organizations containing any county with a population in
4 excess of one million shall provide voting membership on its executive
5 board to the ((state)) legislative transportation ((commission))
6 committee, the state department of transportation, and the three
7 largest public port districts within the region as determined by gross
8 operating revenues. It shall further assure that at least fifty
9 percent of the county and city local elected officials who serve on the
10 executive board also serve on transit agency boards or on a regional
11 transit authority.

12 **Sec. 114.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to
13 read as follows:

14 Subject to the maximum gross weights specified in RCW 46.44.041, it
15 is unlawful to operate any vehicle upon the public highways with a
16 gross weight, including load, upon any tire concentrated upon the
17 surface of the highway in excess of six hundred pounds per inch width
18 of such tire. An axle manufactured after July 31, 1993, carrying more
19 than ten thousand pounds gross weight must be equipped with four or
20 more tires. Effective January 1, 1997, an axle carrying more than ten
21 thousand pounds gross weight must have four or more tires, regardless
22 of date of manufacture. Instead of the four or more tires per axle
23 requirements of this section, an axle may be equipped with two tires
24 limited to five hundred pounds per inch width of tire. This section
25 does not apply to vehicles operating under oversize or overweight
26 permits, or both, issued under RCW 46.44.090, while carrying a
27 nonreducible load.

28 The following equipment may operate at six hundred pounds per inch
29 width of tire: (1) A nonliftable steering axle or axles on the power
30 unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster
31 trailing axle equipped with two tires on a ready-mix concrete transit
32 truck; and (4) a straddle trailer manufactured before January 1, 1996,
33 equipped with single-tire axles or a single axle using a walking beam
34 supported by two in-line single tires and used exclusively for the
35 transport of fruit bins between field, storage, and processing. A
36 straddle trailer manufactured after January 1, 1996, meeting this use

1 criteria may carry five hundred fifteen pounds per inch width of tire
2 on sixteen and one-half inch wide tires.

3 For the purpose of this section, the width of tire in case of solid
4 rubber or hollow center cushion tires, so long as the use thereof may
5 be permitted by the law, shall be measured between the flanges of the
6 rim. For the purpose of this section, the width of tires in case of
7 pneumatic tires shall be the maximum overall normal inflated width as
8 stipulated by the manufacturer when inflated to the pressure specified
9 and without load thereon.

10 The department of transportation, under rules adopted by the
11 legislative transportation ((~~commission~~)) committee with respect to
12 state highways, and a local authority, with respect to a public highway
13 under its jurisdiction, may extend the weight table in RCW 46.44.041 to
14 one hundred fifteen thousand pounds. However, the extension must be in
15 compliance with federal law, and vehicles operating under the extension
16 must be in full compliance with the 1997 axle and tire requirements
17 under this section.

18 **Sec. 115.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
19 to read as follows:

20 Local authorities with respect to public highways under their
21 jurisdiction may prohibit the operation thereon of motor trucks or
22 other vehicles or may impose limits as to the weight thereof, or any
23 other restrictions as may be deemed necessary, whenever any such public
24 highway by reason of rain, snow, climatic or other conditions, will be
25 seriously damaged or destroyed unless the operation of vehicles thereon
26 be prohibited or restricted or the permissible weights thereof reduced:
27 PROVIDED, That whenever a highway has been closed generally to vehicles
28 or specified classes of vehicles, local authorities shall by general
29 rule or by special permit authorize the operation thereon of school
30 buses, emergency vehicles, and motor trucks transporting perishable
31 commodities or commodities necessary for the health and welfare of
32 local residents under such weight and speed restrictions as the local
33 authorities deem necessary to protect the highway from undue damage:
34 PROVIDED FURTHER, That the governing authorities of incorporated cities
35 and towns shall not prohibit the use of any city street designated by
36 the legislative transportation ((~~commission~~)) committee as forming a
37 part of the route of any primary state highway through any such

1 incorporated city or town by vehicles or any class of vehicles or
2 impose any restrictions or reductions in permissible weights unless
3 such restriction, limitation, or prohibition, or reduction in
4 permissible weights be first approved in writing by the department of
5 transportation.

6 The local authorities imposing any such restrictions or
7 limitations, or prohibiting any use or reducing the permissible weights
8 shall do so by proper ordinance or resolution and shall erect or cause
9 to be erected and maintained signs designating the provisions of the
10 ordinance or resolution in each end of the portion of any public
11 highway affected thereby, and no such ordinance or resolution shall be
12 effective unless and until such signs are erected and maintained.

13 The department shall have the same authority as hereinabove granted
14 to local authorities to prohibit or restrict the operation of vehicles
15 upon state highways. The department shall give public notice of
16 closure or restriction. The department may issue special permits for
17 the operation of school buses and motor trucks transporting perishable
18 commodities or commodities necessary for the health and welfare of
19 local residents under specified weight and speed restrictions as may be
20 necessary to protect any state highway from undue damage.

21 **Sec. 116.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
22 as follows:

23 In determining fees according to RCW 46.44.0941, mileage on state
24 primary and secondary highways shall be determined from the planning
25 survey records of the department of transportation, and the gross
26 weight of the vehicle or vehicles, including load, shall be declared by
27 the applicant. Overweight on which fees shall be paid will be gross
28 loadings in excess of loadings authorized by law or axle loadings in
29 excess of loadings authorized by law, whichever is the greater. Loads
30 which are overweight and oversize shall be charged the fee for the
31 overweight permit without additional fees being assessed for the
32 oversize features.

33 Special permits issued under RCW 46.44.047, 46.44.0941, or
34 46.44.095, may be obtained from offices of the department of
35 transportation, ports of entry, or other agents appointed by the
36 department.

1 The department may appoint agents for the purposes of selling
2 special motor vehicle permits, temporary additional tonnage permits,
3 and log tolerance permits. Agents so appointed may retain three
4 dollars and fifty cents for each permit sold to defray expenses
5 incurred in handling and selling the permits. If the fee is collected
6 by the department of transportation, the department shall certify the
7 fee so collected to the state treasurer for deposit to the credit of
8 the motor vehicle fund.

9 The department may select a third party contractor, by means of
10 competitive bid, to perform the department's permit issuance function,
11 as provided under RCW 46.44.090. Factors the department shall
12 consider, but is not limited to, in the selection of a third party
13 contractor are economic benefit to both the department and the motor
14 carrier industry, and enhancement of the overall level of permit
15 service. For purposes of this section, "third party contractor" means
16 a business entity that is authorized by the department to issue special
17 permits. The legislative transportation (~~commission~~) committee may
18 adopt rules specifying the criteria that a business entity must meet in
19 order to qualify as a third party contractor under this section.

20 Fees established in RCW 46.44.0941 shall be paid to the political
21 body issuing the permit if the entire movement is to be confined to
22 roads, streets, or highways for which that political body is
23 responsible. When a movement involves a combination of state highways,
24 county roads, and/or city streets the fee shall be paid to the state
25 department of transportation. When a movement is confined within the
26 city limits of a city or town upon city streets, including routes of
27 state highways on city streets, all fees shall be paid to the city or
28 town involved. A permit will not be required from city or town
29 authorities for a move involving a combination of city or town streets
30 and state highways when the move through a city or town is being
31 confined to the route of the state highway. When a move involves a
32 combination of county roads and city streets the fee shall be paid to
33 the county authorities, but the fee shall not be collected nor the
34 county permit issued until valid permits are presented showing that the
35 city or town authorities approve of the move in question. When the
36 movement involves only county roads the fees collected shall be paid to
37 the county involved. Fees established shall be paid to the political

1 body issuing the permit if the entire use of the vehicle during the
2 period covered by the permit shall be confined to the roads, streets,
3 or highways for which that political body is responsible.

4 **Sec. 117.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to
5 read as follows:

6 The department of transportation, pursuant to rules adopted by the
7 legislative transportation ((~~commission~~)) committee with respect to
8 state highways, and local authorities, with respect to public highways
9 under their jurisdiction, may, upon application in writing and good
10 cause being shown therefor, issue a special permit in writing, or
11 electronically, authorizing the applicant to operate or move a vehicle
12 or combination of vehicles of a size, weight of vehicle, or load
13 exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030,
14 46.44.034, and 46.44.041 upon any public highway under the jurisdiction
15 of the authority granting such permit and for the maintenance of which
16 such authority is responsible.

17 **Sec. 118.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to
18 read as follows:

19 Special permits may not be issued for movements on any state
20 highway outside the limits of any city or town in excess of the
21 following widths:

- 22 On two-lane highways, fourteen feet;
- 23 On multiple-lane highways where a physical barrier serving as a
24 median divider separates opposing traffic lanes, twenty feet;
- 25 On multiple-lane highways without a physical barrier serving as a
26 median divider, thirty-two feet.

27 These limits apply except under the following conditions:

28 (1) In the case of buildings, the limitations referred to in this
29 section for movement on any two lane state highway other than the
30 national system of interstate and defense highways may be exceeded
31 under the following conditions: (a) Controlled vehicular traffic shall
32 be maintained in one direction at all times; (b) the maximum distance
33 of movement shall not exceed five miles; additional contiguous permits
34 shall not be issued to exceed the five-mile limit: PROVIDED, That when
35 the department of transportation, pursuant to general rules adopted by
36 the legislative transportation ((~~commission~~)) committee, determines a

1 hardship would result, this limitation may be exceeded upon approval of
2 the department of transportation; (c) prior to issuing a permit a
3 qualified transportation department employee shall make a visual
4 inspection of the building and route involved determining that the
5 conditions listed herein shall be complied with and that structures or
6 overhead obstructions may be cleared or moved in order to maintain a
7 constant and uninterrupted movement of the building; (d) special escort
8 or other precautions may be imposed to assure movement is made under
9 the safest possible conditions, and the Washington state patrol shall
10 be advised when and where the movement is to be made;

11 (2) Permits may be issued for widths of vehicles in excess of the
12 preceding limitations on highways or sections of highways which have
13 been designed and constructed for width in excess of such limitations;

14 (3) Permits may be issued for vehicles with a total outside width,
15 including the load, of nine feet or less when the vehicle is equipped
16 with a mechanism designed to cover the load pursuant to RCW 46.61.655;

17 (4) These limitations may be rescinded when certification is made
18 by military officials, or by officials of public or private power
19 facilities, or when in the opinion of the department of transportation
20 the movement or action is a necessary movement or action: PROVIDED
21 FURTHER, That in the judgment of the department of transportation the
22 structures and highway surfaces on the routes involved are capable of
23 sustaining widths in excess of such limitation;

24 (5) These limitations shall not apply to movement during daylight
25 hours on any two lane state highway where the gross weight, including
26 load, does not exceed eighty thousand pounds and the overall width of
27 load does not exceed sixteen feet: PROVIDED, That the minimum and
28 maximum speed of such movements, prescribed routes of such movements,
29 the times of such movements, limitation upon frequency of trips (which
30 limitation shall be not less than one per week), and conditions to
31 assure safety of traffic may be prescribed by the department of
32 transportation or local authority issuing such special permit.

33 The applicant for any special permit shall specifically describe
34 the vehicle or vehicles and load to be operated or moved and the
35 particular state highways for which permit to operate is requested and
36 whether such permit is requested for a single trip or for continuous
37 operation.

1 **Sec. 119.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
2 to read as follows:

3 It shall be unlawful for any person to operate a vehicle or any
4 combination of vehicles over any bridge or other elevated structure or
5 through any tunnel or underpass constituting a part of any public
6 highway at a rate of speed or with a gross weight or of a size which is
7 greater at any time than the maximum speed or maximum weight or size
8 which can be maintained or carried with safety over any such bridge or
9 structure or through any such tunnel or underpass when such bridge,
10 structure, tunnel, or underpass is sign posted as hereinafter provided.
11 The secretary of transportation, if it be a bridge, structure, tunnel,
12 or underpass upon a state highway, or the governing body or authorities
13 of any county, city, or town, if it be upon roads or streets under
14 their jurisdiction, may restrict the speed which may be maintained or
15 the gross weight or size which may be operated upon or over any such
16 bridge or elevated structure or through any such tunnel or underpass
17 with safety thereto. The secretary or the governing body or
18 authorities of any county, city, or town having jurisdiction shall
19 determine and declare the maximum speed or maximum gross weight or size
20 which such bridge, elevated structure, tunnel, or underpass can
21 withstand or accommodate and shall cause suitable signs stating such
22 maximum speed or maximum gross weight, or size, or either, to be
23 erected and maintained on the right hand side of such highway, road, or
24 street and at a distance of not less than one hundred feet from each
25 end of such bridge, structure, tunnel, or underpass and on the approach
26 thereto: PROVIDED, That in the event that any such bridge, elevated
27 structure, tunnel, or underpass is upon a city street designated by the
28 legislative transportation (~~commission~~) committee as forming a part
29 of the route of any state highway through any such incorporated city or
30 town the determination of any maximum speed or maximum gross weight or
31 size which such bridge, elevated structure, tunnel, or underpass can
32 withstand or accommodate shall not be enforceable at any speed, weight,
33 or size less than the maximum allowed by law, unless with the approval
34 in writing of the secretary. Upon the trial of any person charged with
35 a violation of this section, proof of either violation of maximum speed
36 or maximum weight, or size, or either, and the distance and location of
37 such signs as are required, shall constitute conclusive evidence of the

1 maximum speed or maximum weight, or size, or either, which can be
2 maintained or carried with safety over such bridge or elevated
3 structure or through such tunnel or underpass.

4 **Sec. 120.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to
5 read as follows:

6 It is the intent of the legislature to establish policy goals for
7 the operation, performance of, and investment in, the state's
8 transportation system. The policy goals shall consist of, but not be
9 limited to, the following benchmark categories, adopted by the state's
10 Blue Ribbon Commission on Transportation on November 30, 2000. In
11 addition to improving safety, public investments in transportation
12 shall support achievement of these and other priority goals:

13 No interstate highways, state routes, and local arterials shall be
14 in poor condition; no bridges shall be structurally deficient, and
15 safety retrofits shall be performed on those state bridges at the
16 highest seismic risk levels; traffic congestion on urban state highways
17 shall be significantly reduced and be no worse than the national mean;
18 delay per driver shall be significantly reduced and no worse than the
19 national mean; per capita vehicle miles traveled shall be maintained at
20 2000 levels; the nonauto share of commuter trips shall be increased in
21 urban areas; administrative costs as a percentage of transportation
22 spending shall achieve the most efficient quartile nationally; and the
23 state's public transit agencies shall achieve the median cost per
24 vehicle revenue hour of peer transit agencies, adjusting for the
25 regional cost-of-living.

26 These policy goals shall be the basis for establishment of detailed
27 and measurable performance benchmarks.

28 It is the intent of the legislature that the legislative
29 transportation (~~commission~~) committee establish performance measures
30 to ensure transportation system performance at local, regional, and
31 state government levels, and the legislative transportation
32 (~~commission~~) committee should work with appropriate government
33 entities to accomplish this.

34 **Sec. 121.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
35 read as follows:

36 By April 1st of each year, the legislative authority of each

1 municipality, as defined in RCW 35.58.272, and each regional transit
2 authority shall prepare a six-year transit development plan for that
3 calendar year and the ensuing five years. The program shall be
4 consistent with the comprehensive plans adopted by counties, cities,
5 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
6 inherent authority of a first class city or charter county derived from
7 its charter, or chapter 36.70A RCW. The program shall contain
8 information as to how the municipality intends to meet state and local
9 long-range priorities for public transportation, capital improvements,
10 significant operating changes planned for the system, and how the
11 municipality intends to fund program needs. The six-year plan for each
12 municipality and regional transit authority shall specifically set
13 forth those projects of regional significance for inclusion in the
14 transportation improvement program within that region. Each
15 municipality and regional transit authority shall file the six-year
16 program with the state department of transportation, the transportation
17 improvement board, and cities, counties, and regional planning councils
18 within which the municipality is located.

19 In developing its program, the municipality and the regional
20 transit authority shall consider those policy recommendations affecting
21 public transportation contained in the state transportation policy plan
22 approved by the ((state)) legislative transportation ((commission))
23 committee and, where appropriate, adopted by the legislature. The
24 municipality shall conduct one or more public hearings while developing
25 its program and for each annual update.

26 **Sec. 122.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended
27 to read as follows:

28 The department of transportation may, with the approval of the
29 ((~~transportation commission~~)) committee, provide for the establishment,
30 construction, and operation of toll tunnels, toll roads, and other
31 facilities necessary for their construction and connection with public
32 highways of the state. It may cause surveys to be made to determine
33 the propriety of their establishment, construction, and operation, and
34 may acquire rights of way and other facilities necessary to carry out
35 the provisions hereof; and may issue, sell, and redeem bonds, and
36 deposit and expend them; secure and remit financial and other
37 assistance in the construction thereof; carry insurance thereon; and

1 handle any other matters pertaining thereto, all of which shall be
2 conducted in the same manner and under the same procedure as provided
3 for the establishing, constructing, operating, and maintaining of toll
4 bridges by the department, insofar as reasonably consistent and
5 applicable. No toll facility, toll bridge, toll road, or toll tunnel,
6 shall be combined with any other toll facility for the purpose of
7 financing unless such facilities form a continuous project, to the end
8 that each such facility or project be self-liquidating and self-
9 sustaining.

10 **Sec. 123.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
11 as follows:

12 The legislative transportation (~~commission shall have~~) committee
13 has the following functions, powers, and duties:

14 (1) To propose policies to be adopted by the legislature designed
15 to assure the development and maintenance of a comprehensive and
16 balanced statewide transportation system which will meet the needs of
17 the people of this state for safe and efficient transportation
18 services. Wherever appropriate the policies shall provide for the use
19 of integrated, intermodal transportation systems to implement the
20 social, economic, and environmental policies, goals, and objectives of
21 the people of the state, and especially to conserve nonrenewable
22 natural resources including land and energy. To this end the
23 (~~commission~~) committee shall:

24 (a) Develop transportation policies which are based on the
25 policies, goals, and objectives expressed and inherent in existing
26 state laws;

27 (b) Inventory the adopted policies, goals, and objectives of the
28 local and area-wide governmental bodies of the state and define the
29 role of the state, regional, and local governments in determining
30 transportation policies, in transportation planning, and in
31 implementing the state transportation plan;

32 (c) Propose a transportation policy for the state, and after notice
33 and public hearings, submit the proposal to (~~the legislative~~
34 ~~transportation committee and~~) the senate and house transportation
35 committees by January 1, 1978, for consideration in the next
36 legislative session;

1 (d) Establish a procedure for review and revision of the state
2 transportation policy and for submission of proposed changes to the
3 legislature;

4 (e) To integrate the statewide transportation plan with the needs
5 of the elderly and handicapped, and to coordinate federal and state
6 programs directed at assisting local governments to answer such needs;

7 (2) To establish the policy of the department to be followed by the
8 secretary on each of the following items:

9 (a) To provide for the effective coordination of state
10 transportation planning with national transportation policy, state and
11 local land use policies, and local and regional transportation plans
12 and programs;

13 (b) To provide for public involvement in transportation designed to
14 elicit the public's views both with respect to adequate transportation
15 services and appropriate means of minimizing adverse social, economic,
16 environmental, and energy impact of transportation programs;

17 (c) To provide for the administration of grants in aid and other
18 financial assistance to counties and municipal corporations for
19 transportation purposes;

20 (d) To provide for the management, sale, and lease of property or
21 property rights owned by the department which are not required for
22 transportation purposes;

23 (3) To direct the secretary to prepare and submit to the
24 (~~commission~~) committee a comprehensive and balanced statewide
25 transportation plan which shall be based on the transportation policy
26 adopted by the legislature and applicable state and federal laws.
27 After public notice and hearings, the (~~commission~~) committee shall
28 adopt the plan and submit it to (~~the legislative transportation~~
29 ~~committee and to~~) the house and senate standing committees on
30 transportation before January 1, 1980, for consideration in the 1980
31 regular legislative session. The plan shall be reviewed and revised
32 prior to each regular session of the legislature during an even-
33 numbered year thereafter. A preliminary plan shall be submitted to
34 such committees by January 1, 1979.

35 The plan shall take into account federal law and regulations
36 relating to the planning, construction, and operation of transportation
37 facilities;

1 (4) To propose to the governor and the legislature prior to the
2 convening of each regular session held in an odd-numbered year a
3 recommended budget for the operations of the (~~commission as required~~
4 ~~by RCW 47.01.061~~) committee;

5 (~~To approve and propose to the governor and to the legislature~~
6 ~~prior to the convening of each regular session during an odd-numbered~~
7 ~~year a recommended budget for the operation of the department and for~~
8 ~~carrying out the program of the department for the ensuing biennium.~~
9 ~~The proposed budget shall separately state the appropriations to be~~
10 ~~made from the motor vehicle fund for highway purposes in accordance~~
11 ~~with constitutional limitations and appropriations and expenditures to~~
12 ~~be made from the general fund, or accounts thereof, and other available~~
13 ~~sources for other operations and programs of the department;~~

14 (~~To review and authorize all departmental requests for~~
15 ~~legislation;~~

16 (~~To approve the issuance and sale of all bonds authorized by the~~
17 ~~legislature for capital construction of state highways, toll~~
18 ~~facilities, Columbia Basin county roads (for which reimbursement to the~~
19 ~~motor vehicle fund has been provided), urban arterial projects, and~~
20 ~~aviation facilities;~~

21 (~~To adopt such rules, regulations, and policy directives as may~~
22 ~~be necessary to carry out reasonably and properly those functions~~
23 ~~expressly vested in the commission by statute;~~

24 (~~9~~)) To delegate any of its powers to the secretary of
25 transportation whenever it deems it desirable for the efficient
26 administration of the department and consistent with the purposes of
27 this title;

28 (~~10~~)) (6) To exercise such other specific powers and duties as
29 may be vested in the (~~transportation commission~~) committee by this or
30 any other provision of law.

31 **Sec. 124.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
32 read as follows:

33 The chief of the Washington state patrol, the director of the
34 traffic safety commission, the executive director of the county road
35 administration board, and the director of licensing are designated as
36 official consultants to the legislative transportation (~~commission~~)
37 committee so that the goals and activities of their respective agencies

1 which relate to transportation are fully coordinated with other related
2 responsibilities of the department of transportation. In this
3 capacity, the chief of the Washington state patrol, the director of the
4 traffic safety commission, the executive director of the county road
5 administration board, and the director of licensing shall consult with
6 the legislative transportation (~~commission~~) committee and the
7 secretary of transportation on the implications and impacts on the
8 transportation related functions and duties of their respective
9 agencies of any proposed comprehensive transportation plan, program, or
10 policy.

11 In order to develop fully integrated, balanced, and coordinated
12 transportation plans, programs, and budgets the chief of the Washington
13 state patrol, the director of the traffic safety commission, the
14 executive director of the county road administration board, and the
15 director of licensing shall consult with the secretary of
16 transportation on the matter of relative priorities during the
17 development of their respective agencies' plans, programs, and budgets
18 as they pertain to transportation activities.

19 **Sec. 125.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to
20 read as follows:

21 (1) Upon receiving an application for improvements to an existing
22 state highway or highways pursuant to RCW 43.160.074 from the community
23 economic revitalization board, the legislative transportation
24 (~~commission~~) committee shall, in a timely manner, determine whether
25 or not the proposed state highway improvements:

26 (a) Meet the safety and design criteria of the department of
27 transportation;

28 (b) Will impair the operational integrity of the existing highway
29 system;

30 (c) Will affect any other improvements planned by the department;
31 and

32 (d) Will be consistent with its policies developed pursuant to RCW
33 47.01.071.

34 (2) Upon completion of its determination of the factors contained
35 in subsection (1) of this section and any other factors it deems
36 pertinent, the legislative transportation (~~commission~~) committee
37 shall forward its approval, as submitted or amended or disapproval of

1 the proposed improvements to the board, along with any recommendation
2 it may wish to make concerning the desirability and feasibility of the
3 proposed development. If the legislative transportation ((~~commission~~))
4 committee disapproves any proposed improvements, it shall specify its
5 reasons for disapproval.

6 (3) Upon notification from the board of an application's approval
7 pursuant to RCW 43.160.074, the legislative transportation
8 ((~~commission~~)) committee shall ((~~direct the department of~~
9 ~~transportation to~~)) carry out the improvements in coordination with the
10 applicant.

11 (4) The legislative transportation ((~~commission~~)) committee shall
12 notify the ((~~legislative~~)) house and senate standing committees on
13 transportation ((~~committee~~)) of all state highway improvements to be
14 carried out pursuant to RCW 43.160.074 and this section.

15 **Sec. 126.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to
16 read as follows:

17 (1) The legislative transportation ((~~commission is hereby directed~~
18 ~~to~~)) committee shall conduct periodic analyses of the entire state
19 highway system, report thereon to the chairs of the transportation
20 committees of the senate and house of representatives, including one
21 copy to the staff of each of the committees, biennially and based
22 thereon, ((~~to~~)) subdivide, classify, and subclassify according to their
23 function and importance all designated state highways and those added
24 from time to time and periodically review and revise the
25 classifications into the following three functional classes:

26 (a) The "principal arterial system" shall consist of a connected
27 network of rural arterial routes with appropriate extensions into and
28 through urban areas, including all routes designated as part of the
29 interstate system, which serve corridor movements having travel
30 characteristics indicative of substantial statewide and interstate
31 travel;

32 (b) The "minor arterial system" shall, in conjunction with the
33 principal arterial system, form a rural network of arterial routes
34 linking cities and other activity centers which generate long distance
35 travel, and, with appropriate extensions into and through urban areas,
36 form an integrated network providing interstate and interregional
37 service; and

1 (c) The "collector system" shall consist of routes which primarily
2 serve the more important intercounty, intracounty, and intraurban
3 travel corridors, collect traffic from the system of local access roads
4 and convey it to the arterial system, and on which, regardless of
5 traffic volume, the predominant travel distances are shorter than on
6 arterial routes.

7 (2) In making the functional classification the legislative
8 transportation ((~~commission~~)) committee shall adopt and give
9 consideration to criteria consistent with this section and federal
10 regulations relating to the functional classification of highways,
11 including but not limited to the following:

12 (a) Urban population centers within and without the state
13 stratified and ranked according to size;

14 (b) Important traffic generating economic activities, including but
15 not limited to recreation, agriculture, government, business, and
16 industry;

17 (c) Feasibility of the route, including availability of alternate
18 routes within and without the state;

19 (d) Directness of travel and distance between points of economic
20 importance;

21 (e) Length of trips;

22 (f) Character and volume of traffic;

23 (g) Preferential consideration for multiple service which shall
24 include public transportation;

25 (h) Reasonable spacing depending upon population density; and

26 (i) System continuity.

27 (3) The ((~~transportation commission or the~~)) legislature shall
28 designate state highways of statewide significance under RCW 47.06.140.
29 ((~~If the commission designates a state highway of statewide~~
30 ~~significance, it shall submit a list of such facilities for adoption by~~
31 ~~the legislature.~~)) This statewide system shall include at a minimum
32 interstate highways and other statewide principal arterials that are
33 needed to connect major communities across the state and support the
34 state's economy.

35 (4) The legislative transportation ((~~commission~~)) committee shall
36 designate a freight and goods transportation system. This statewide
37 system shall include state highways, county roads, and city streets.
38 The ((~~commission~~)) committee, in cooperation with cities and counties,

1 shall review and make recommendations to the legislature regarding
2 policies governing weight restrictions and road closures which affect
3 the transportation of freight and goods.

4 **Sec. 127.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to
5 read as follows:

6 The legislative transportation (~~(commission)~~) committee shall adopt
7 a comprehensive six-year investment program specifying program
8 objectives and performance measures for the preservation and
9 improvement programs defined in this section. In the specification of
10 investment program objectives and performance measures, the legislative
11 transportation (~~(commission, in consultation with the Washington state~~
12 ~~department of transportation,)~~) committee shall define and adopt
13 standards for effective programming and prioritization practices
14 including a needs analysis process. The analysis process must ensure
15 the identification of problems and deficiencies, the evaluation of
16 alternative solutions and trade-offs, and estimations of the costs and
17 benefits of prospective projects. The investment program must be
18 revised biennially, effective on July 1st of odd-numbered years. The
19 investment program must be based upon the needs identified in the
20 state-owned highway component of the statewide transportation plan as
21 defined in RCW 47.01.071(3).

22 (1) The preservation program consists of those investments
23 necessary to preserve the existing state highway system and to restore
24 existing safety features, giving consideration to lowest life cycle
25 costing. The preservation program must require use of the most cost-
26 effective pavement surfaces, considering:

- 27 (a) Life-cycle cost analysis;
- 28 (b) Traffic volume;
- 29 (c) Subgrade soil conditions;
- 30 (d) Environmental and weather conditions;
- 31 (e) Materials available; and
- 32 (f) Construction factors.

33 The comprehensive six-year investment program for preservation must
34 identify projects for two years and an investment plan for the
35 remaining four years.

36 (2) The improvement program consists of investments needed to
37 address identified deficiencies on the state highway system to increase

1 mobility, address congestion, and improve safety, support for the
2 economy, and protection of the environment. The six-year investment
3 program for improvements must identify projects for two years and major
4 deficiencies proposed to be addressed in the six-year period giving
5 consideration to relative benefits and life cycle costing. The
6 legislative transportation (~~commission~~) committee shall give higher
7 priority for correcting identified deficiencies on those facilities
8 classified as facilities of statewide significance as defined in RCW
9 47.06.140. Project prioritization must be based primarily upon cost-
10 benefit analysis, where appropriate.

11 The legislative transportation (~~commission~~) committee shall
12 approve and present the comprehensive six-year investment program to
13 the legislature in support of the biennial budget request under RCW
14 44.40.070 and 44.40.080.

15 **Sec. 128.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to
16 read as follows:

17 (1) The department (~~and the commission~~) shall use the
18 transportation demand modeling tools developed under subsection (2) of
19 this section to evaluate investments based on the best mode or
20 improvement, or mix of modes and improvements, to meet current and
21 future long-term demand within a corridor or system for the lowest
22 cost. The end result of these demand modeling tools is to provide a
23 cost-benefit analysis by which the department (~~and the commission~~)
24 can determine the relative mobility improvement and congestion relief
25 each mode or improvement under consideration will provide and the
26 relative investment each mode or improvement under consideration will
27 need to achieve that relief. The department must forward the results
28 of its analysis to the legislative transportation committee for
29 approval.

30 (2) The department will participate in the refinement, enhancement,
31 and application of existing transportation demand modeling tools to be
32 used to evaluate investments. This participation and use of
33 transportation demand modeling tools will be phased in.

34 (3) In developing program objectives and performance measures, the
35 legislative transportation (~~commission~~) committee shall evaluate
36 investment trade-offs between the preservation and improvement
37 programs. In making these investment trade-offs, the (~~commission~~)

1 committee shall evaluate, using cost-benefit techniques, roadway and
2 bridge maintenance activities as compared to roadway and bridge
3 preservation program activities and adjust those programs accordingly.

4 (4) The (~~commission~~) legislative transportation committee shall
5 allocate the estimated revenue between preservation and improvement
6 programs giving primary consideration to the following factors:

7 (a) The relative needs in each of the programs and the system
8 performance levels that can be achieved by meeting these needs;

9 (b) The need to provide adequate funding for preservation to
10 protect the state's investment in its existing highway system;

11 (c) The continuity of future transportation development with those
12 improvements previously programmed; and

13 (d) The availability of dedicated funds for a specific type of
14 work.

15 **Sec. 129.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to
16 read as follows:

17 (1) The comprehensive six-year investment program shall be based
18 upon the needs identified in the state-owned highway component of the
19 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
20 and priority selection systems that incorporate the following criteria:

21 (a) Priority programming for the preservation program shall take
22 into account the following, not necessarily in order of importance:

23 (i) Extending the service life of the existing highway system,
24 including using the most cost-effective pavement surfaces, considering:

25 (A) Life-cycle cost analysis;

26 (B) Traffic volume;

27 (C) Subgrade soil conditions;

28 (D) Environmental and weather conditions;

29 (E) Materials available; and

30 (F) Construction factors;

31 (ii) Ensuring the structural ability to carry loads imposed upon
32 highways and bridges; and

33 (iii) Minimizing life cycle costs. The legislative transportation
34 (~~commission~~) committee in carrying out the provisions of this section
35 may delegate to the department of transportation the authority to
36 select preservation projects to be included in the six-year program.

1 (b) Priority programming for the improvement program must be based
2 primarily upon the following, not necessarily in order of importance:

- 3 (i) Traffic congestion, delay, and accidents;
- 4 (ii) Location within a heavily traveled transportation corridor;
- 5 (iii) Except for projects in cities having a population of less
6 than five thousand persons, synchronization with other potential
7 transportation projects, including transit and multimodal projects,
8 within the heavily traveled corridor; and
- 9 (iv) Use of benefit/cost analysis wherever feasible to determine
10 the value of the proposed project.

11 (c) Priority programming for the improvement program may also take
12 into account:

- 13 (i) Support for the state's economy, including job creation and job
14 preservation;
- 15 (ii) The cost-effective movement of people and goods;
- 16 (iii) Accident and accident risk reduction;
- 17 (iv) Protection of the state's natural environment;
- 18 (v) Continuity and systematic development of the highway
19 transportation network;
- 20 (vi) Consistency with local comprehensive plans developed under
21 chapter 36.70A RCW including the following if they have been included
22 in the comprehensive plan:
 - 23 (A) Support for development in and revitalization of existing
24 downtowns;
 - 25 (B) Extent that development implements local comprehensive plans
26 for rural and urban residential and nonresidential densities;
 - 27 (C) Extent of compact, transit-oriented development for rural and
28 urban residential and nonresidential densities;
 - 29 (D) Opportunities for multimodal transportation; and
 - 30 (E) Extent to which the project accommodates planned growth and
31 economic development;
- 32 (vii) Consistency with regional transportation plans developed
33 under chapter 47.80 RCW;
- 34 (viii) Public views concerning proposed improvements;
- 35 (ix) The conservation of energy resources;
- 36 (x) Feasibility of financing the full proposed improvement;
- 37 (xi) Commitments established in previous legislative sessions;
- 38 (xii) Relative costs and benefits of candidate programs.

1 (d) Major projects addressing capacity deficiencies which
2 prioritize allowing for preliminary engineering shall be reprioritized
3 during the succeeding biennium, based upon updated project data.
4 Reprioritized projects may be delayed or canceled by the legislative
5 transportation ((~~commission~~)) committee if higher priority projects are
6 awaiting funding.

7 (e) Major project approvals which significantly increase a
8 project's scope or cost from original prioritization estimates shall
9 include a review of the project's estimated revised priority rank and
10 the level of funding provided. Projects may be delayed or canceled by
11 the legislative transportation ((~~commission~~)) committee if higher
12 priority projects are awaiting funding.

13 (2) The ((~~commission~~)) legislative transportation committee may
14 depart from the priority programming established under subsection (1)
15 of this section: (a) To the extent that otherwise funds cannot be
16 utilized feasibly within the program; (b) as may be required by a court
17 judgment, legally binding agreement, or state and federal laws and
18 regulations; (c) as may be required to coordinate with federal, local,
19 or other state agency construction projects; (d) to take advantage of
20 some substantial financial benefit that may be available; (e) for
21 continuity of route development; or (f) because of changed financial or
22 physical conditions of an unforeseen or emergent nature. The
23 ((~~commission or secretary of~~)) legislative transportation committee
24 shall maintain in its files information sufficient to show the extent
25 to which the ((~~commission~~)) committee has departed from the established
26 priority.

27 (3) The ((~~commission~~)) committee shall identify those projects that
28 yield freight mobility benefits or that alleviate the impacts of
29 freight mobility upon affected communities.

30 **Sec. 130.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to
31 read as follows:

32 The ((~~commission~~)) legislative transportation committee shall
33 develop a state transportation policy plan that (1) establishes a
34 vision and goals for the development of the statewide transportation
35 system consistent with the state's growth management goals, (2)
36 identifies significant statewide transportation policy issues, and (3)
37 recommends statewide transportation policies and strategies to the

1 legislature to fulfill the requirements of RCW 47.01.071(1). The state
2 transportation policy plan shall be the product of an ongoing process
3 that involves representatives of significant transportation interests
4 and the general public from across the state. The plan shall address
5 how the department of transportation will meet the transportation needs
6 and expedite the completion of industrial projects of statewide
7 significance.

8 **Sec. 131.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to
9 read as follows:

10 The state-owned facilities component of the statewide
11 transportation plan shall consist of:

12 (1) The state highway system plan, which identifies program and
13 financing needs and recommends specific and financially realistic
14 improvements to preserve the structural integrity of the state highway
15 system, ensure acceptable operating conditions, and provide for
16 enhanced access to scenic, recreational, and cultural resources. The
17 state highway system plan shall contain the following elements:

18 (a) A system preservation element, which shall establish structural
19 preservation objectives for the state highway system including bridges,
20 identify current and future structural deficiencies based upon analysis
21 of current conditions and projected future deterioration, and recommend
22 program funding levels and specific actions necessary to preserve the
23 structural integrity of the state highway system consistent with
24 adopted objectives. Lowest life cycle cost methodologies must be used
25 in developing a pavement management system. This element shall serve
26 as the basis for the preservation component of the six-year highway
27 program and the two-year biennial budget request to the legislature;

28 (b) A highway maintenance element, establishing service levels for
29 highway maintenance on state-owned highways that meet benchmarks
30 established by the legislative transportation ((commission)) committee.
31 The highway maintenance element must include an estimate of costs for
32 achieving those service levels over twenty years. This element will
33 serve as the basis for the maintenance component of the six-year
34 highway program and the two-year biennial budget request to the
35 legislature;

36 (c) A capacity and operational improvement element, which shall
37 establish operational objectives, including safety considerations, for

1 moving people and goods on the state highway system, identify current
2 and future capacity, operational, and safety deficiencies, and
3 recommend program funding levels and specific improvements and
4 strategies necessary to achieve the operational objectives. In
5 developing capacity and operational improvement plans the department
6 shall first assess strategies to enhance the operational efficiency of
7 the existing system before recommending system expansion. Strategies
8 to enhance the operational efficiencies include but are not limited to
9 access management, transportation system management, demand management,
10 and high-occupancy vehicle facilities. The capacity and operational
11 improvement element must conform to the state implementation plan for
12 air quality and be consistent with regional transportation plans
13 adopted under chapter 47.80 RCW, and shall serve as the basis for the
14 capacity and operational improvement portions of the six-year highway
15 program and the two-year biennial budget request to the legislature;

16 (d) A scenic and recreational highways element, which shall
17 identify and recommend designation of scenic and recreational highways,
18 provide for enhanced access to scenic, recreational, and cultural
19 resources associated with designated routes, and recommend a variety of
20 management strategies to protect, preserve, and enhance these
21 resources. The department, affected counties, cities, and towns,
22 regional transportation planning organizations, and other state or
23 federal agencies shall jointly develop this element;

24 (e) A paths and trails element, which shall identify the needs of
25 nonmotorized transportation modes on the state transportation systems
26 and provide the basis for the investment of state transportation funds
27 in paths and trails, including funding provided under chapter 47.30
28 RCW.

29 (2) The state ferry system plan, which shall guide capital and
30 operating investments in the state ferry system. The plan shall
31 establish service objectives for state ferry routes, forecast travel
32 demand for the various markets served in the system, develop strategies
33 for ferry system investment that consider regional and statewide
34 vehicle and passenger needs, support local land use plans, and assure
35 that ferry services are fully integrated with other transportation
36 services. The plan must provide for maintenance of capital assets.
37 The plan must also provide for preservation of capital assets based on
38 lowest life cycle cost methodologies. The plan shall assess the role

1 of private ferries operating under the authority of the utilities and
2 transportation commission and shall coordinate ferry system capital and
3 operational plans with these private operations. The ferry system plan
4 must be consistent with the regional transportation plans for areas
5 served by the state ferry system, and shall be developed in conjunction
6 with the ferry advisory committees.

7 **Sec. 132.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to
8 read as follows:

9 The term "advance right of way acquisition" means the acquisition
10 of property and property rights, generally not more than ten years in
11 advance of programmed highway construction projects, together with the
12 engineering costs necessary for such advance right of way acquisition.
13 Any property or property rights purchased must be in designated highway
14 transportation corridors and be for projects approved by the
15 (~~commission~~) committee as part of the state's six-year plan or
16 included in the state's route development planning effort.

17 **Sec. 133.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to
18 read as follows:

19 For the purpose of environmental mitigation of transportation
20 projects, the department may acquire or develop, or both acquire and
21 develop, environmental mitigation sites in advance of the construction
22 of programmed projects. The term "advanced environmental mitigation"
23 means mitigation of adverse impacts upon the environment from
24 transportation projects before their design and construction. Advanced
25 environmental mitigation consists of the acquisition of property; the
26 acquisition of property, water, or air rights; the development of
27 property for the purposes of improved environmental management;
28 engineering costs necessary for such purchase and development; and the
29 use of advanced environmental mitigation sites to fulfill project
30 environmental permit requirements. Advanced environmental mitigation
31 must be conducted in a manner that is consistent with the definition of
32 mitigation found in the council of environmental quality regulations
33 (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands
34 (EO 90-04). Advanced environmental mitigation is for projects approved
35 by the (~~transportation commission~~) committee as part of the state's
36 six-year plan or included in the state highway system plan. Advanced

1 environmental mitigation must give consideration to activities related
2 to fish passage, fish habitat, wetlands, and flood management.
3 Advanced environmental mitigation may also be conducted in partnership
4 with federal, state, or local government agencies, tribal governments,
5 interest groups, or private parties. Partnership arrangements may
6 include joint acquisition and development of mitigation sites,
7 purchasing and selling mitigation bank credits among participants, and
8 transfer of mitigation site title from one party to another. Specific
9 conditions of partnership arrangements will be developed in written
10 agreements for each applicable environmental mitigation site.

11 **Sec. 134.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
12 read as follows:

13 The (~~transportation commission~~) committee shall determine what
14 streets, together with bridges thereon and wharves necessary for use
15 for ferriage of motor vehicle traffic in connection with such streets,
16 if any, in any incorporated cities and towns shall form a part of the
17 route of state highways and between the first and fifteenth days of
18 July of any year the department of transportation shall identify by
19 brief description, the streets, together with the bridges thereon and
20 wharves, if any, in such city or town which are designated as forming
21 a part of the route of any state highway; and all such streets,
22 including curbs and gutters and street intersections and such bridges
23 and wharves, shall thereafter be a part of the state highway system and
24 as such shall be constructed and maintained by the department of
25 transportation from any state funds available therefor: PROVIDED, That
26 the responsibility for the construction and maintenance of any such
27 street together with its appurtenances may be returned to a city or a
28 town upon certification by the department of transportation to the
29 clerk of any city or town that such street, or portion thereof, is no
30 longer required as a part of the state highway system: PROVIDED
31 FURTHER, That any such certification that a street, or portion thereof,
32 is no longer required as a part of the state highway system shall be
33 made between the first and fifteenth of July following the
34 determination by the department that such street or portion thereof is
35 no longer required as a part of the state highway system, but this
36 shall not prevent the department and any city or town from entering

1 into an agreement that a city or town will accept responsibility for
2 such a street or portion thereof at some time other than between the
3 first and fifteenth of July of any year.

4 **Sec. 135.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to
5 read as follows:

6 Each county having within its boundaries an urban area and cities
7 and towns shall prepare and submit to the transportation improvement
8 board arterial inventory data required to determine the long-range
9 arterial construction needs. The counties, cities, and towns shall
10 revise the arterial inventory data every four years to show the current
11 arterial construction needs through the advanced planning period, and
12 as revised shall submit them to the transportation improvement board
13 during the first week of January every four years beginning in 1996.
14 The inventory data shall be prepared pursuant to guidelines established
15 by the transportation improvement board. As information is updated, it
16 shall be made available to the ((~~commission and the~~)) legislative
17 transportation committee.

18 **Sec. 136.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to
19 read as follows:

20 Not later than November 1st of each even-numbered year the
21 transportation improvement board shall prepare and present to the
22 ((~~commission~~)) committee for comment and recommendation an adopted
23 budget for expenditures from funds administered by the board during the
24 ensuing biennium. The budget shall contain an estimate of the revenues
25 to be credited to the several accounts and the amount, if any, of bond
26 proceeds which the board determines should be made available through
27 the sale of bonds in the ensuing biennium.

28 **Sec. 137.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
29 to read as follows:

30 Whenever the general route of any state highway shall be designated
31 and laid out as running to or by way of certain designated points,
32 without specifying the particular route to be followed to or by way of
33 such points, the ((~~transportation commission~~)) committee shall
34 determine the particular route to be followed by said state highway to
35 or by way of said designated points, and shall be at liberty to select

1 and adopt as a part of such state highway, the whole or any part of any
2 existing public highway previously designated as a county road, primary
3 road, or secondary road or now or hereafter classified as a county
4 road. The (~~commission~~) committee need not select and adopt the
5 entire routes for such state highways at one time, but may select and
6 adopt parts of such routes from time to time as it deems advisable.
7 Where a state highway is designated as passing by way of a certain
8 point, this shall not require the (~~commission~~) committee to cause
9 such state highway to pass through or touch such point but such
10 designation is directional only and may be complied with by location in
11 the general vicinity. The department of transportation is empowered to
12 construct as a part of any state highway as designated and in addition
13 to any portion meeting the limits of any incorporated city or town a
14 bypass section either through or around any such incorporated city or
15 town.

16 **Sec. 138.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to
17 read as follows:

18 (1) Whenever the department finds that as a consequence of
19 accident, natural disaster, or other emergency, an existing state
20 highway is in jeopardy or is rendered impassible in one or both
21 directions and the department further finds that prompt reconstruction,
22 repair, or other work is needed to preserve or restore the highway for
23 public travel, the department may obtain at least three written bids
24 for the work without publishing a call for bids, and the secretary of
25 transportation may award a contract forthwith to the lowest responsible
26 bidder.

27 The department shall notify any association or organization of
28 contractors filing a request to regularly receive notification.
29 Notification to an association or organization of contractors shall
30 include: (a) The location of the work to be done; (b) the general
31 anticipated nature of the work to be done; and (c) the date determined
32 by the department as reasonable in view of the nature of the work and
33 emergent nature of the problem after which the department will not
34 receive bids.

35 (2) Whenever the department finds it necessary to protect a highway
36 facility from imminent damage or to perform emergency work to reopen a

1 highway facility, the department may contract for such work on a
2 negotiated basis not to exceed force account rates for a period not to
3 exceed thirty working days.

4 (3) The secretary shall review any contract exceeding two hundred
5 thousand dollars awarded under subsection (1) or (2) of this section
6 with the (~~(transportation commission)~~) committee at its next regularly
7 scheduled meeting.

8 (4) Any person, firm, or corporation awarded a contract for work
9 must be prequalified pursuant to RCW 47.28.070 and may be required to
10 furnish a bid deposit or performance bond.

11 **Sec. 139.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to
12 read as follows:

13 The legislative transportation (~~(commission)~~) committee may
14 designate interstate safety rest areas, as appropriate, as locations
15 for memorial signs to prisoners of war and those missing in action.
16 The (~~(commission)~~) committee shall adopt policies for the placement of
17 memorial signs on interstate safety rest areas and may disapprove any
18 memorial sign that it determines to be inappropriate or inconsistent
19 with the policies. The policies shall include, but are not limited to,
20 guidelines for the size and location of and inscriptions on memorial
21 signs. The secretary shall adopt rules for administering this program.
22 Nonprofit associations may have their name identified on a memorial
23 sign if the association bears the cost of supplying and maintaining the
24 memorial sign.

25 **Sec. 140.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended
26 to read as follows:

27 (~~(In the event that)~~) If the legislative transportation
28 (~~(commission should)~~) committee determines that any toll bridge should
29 be constructed, all cost thereof including right of way, survey, and
30 engineering shall be paid out of any funds available for payment of the
31 cost of such toll bridge under this chapter.

32 **Sec. 141.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended
33 to read as follows:

34 Whenever a proposed toll bridge, toll road, toll tunnel, or any
35 other toll facility of any sort is to be constructed, any city, county,

1 or other political subdivision located in relation to such facility so
2 as to benefit directly or indirectly thereby, may, either jointly or
3 separately, at the request of the legislative transportation
4 (~~commission~~) committee advance or contribute money, or bonds, rights
5 of way, labor, materials, and other property toward the expense of
6 building the toll facility, and for preliminary surveys and the
7 preparation of plans and estimates of cost therefor and other
8 preliminary expenses. Any such city, county, or other political
9 subdivision may, either jointly or separately, at the request of the
10 (~~transportation commission~~) committee advance or contribute money or
11 bonds for the purpose of guaranteeing the payment of interest or
12 principal on the bonds issued by the (~~commission~~) committee to
13 finance the toll facility. Appropriations for such purposes may be
14 made from any funds available, including county road funds received
15 from or credited by the state, or funds obtained by excess tax levies
16 made pursuant to law or the issuance of general obligation bonds for
17 this purpose. General obligation bonds issued by a city, county, or
18 political subdivision may with the consent of the (~~commission~~)
19 committee be placed with the department of transportation to be sold by
20 the department to provide funds for such purpose. Money, or bonds, or
21 property so advanced or contributed may be immediately transferred or
22 delivered to the department to be used for the purpose for which
23 contribution was made. The (~~commission~~) committee may enter into an
24 agreement with a city, county, or other political subdivision to repay
25 any money, or bonds or the value of a right of way, labor, materials,
26 or other property so advanced or contributed. The (~~commission~~)
27 department may make such repayment to a city, county, or other
28 political subdivision and reimburse the state for any expenditures made
29 by it in connection with the toll facility out of tolls and other
30 revenues for the use of the toll facility.

31 **Sec. 142.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to
32 read as follows:

33 Except as provided in RCW 47.52.134, the (~~transportation~~
34 ~~commission~~) committee and the highway authorities of the counties and
35 incorporated cities and towns, with regard to facilities under their
36 respective jurisdictions, prior to the establishment of any limited
37 access facility, shall hold a public hearing within the county, city,

1 or town wherein the limited access facility is to be established to
2 determine the desirability of the plan proposed by such authority.
3 Notice of such hearing shall be given to the owners of property
4 abutting the section of any existing highway, road, or street being
5 established as a limited access facility, as indicated in the tax rolls
6 of the county, and in the case of a state limited access facility, to
7 the county and/or city or town. Such notice shall be by United States
8 mail in writing, setting forth a time for the hearing, which time shall
9 be not less than fifteen days after mailing of such notice. Notice of
10 such hearing also shall be given by publication not less than fifteen
11 days prior to such hearing in one or more newspapers of general
12 circulation within the county, city, or town. Such notice by
13 publication shall be deemed sufficient as to any owner or reputed owner
14 or any unknown owner or owner who cannot be located. Such notice shall
15 indicate a suitable location where plans for such proposal may be
16 inspected.

17 **Sec. 143.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
18 as follows:

19 Whenever after the final adoption of a plan for a limited access
20 highway by the (~~transportation commission~~) committee, an additional
21 design public hearing with respect to the facility or any portion
22 thereof is conducted pursuant to federal law resulting in a revision of
23 the design of the limited access plan, the (~~commission~~) committee may
24 modify the previously adopted limited access plan to conform to the
25 revised design without further public hearings providing the following
26 conditions are met:

27 (1) As compared with the previously adopted limited access plan,
28 the revised plan will not require additional or different right of way
29 with respect to that section of highway for which the design has been
30 revised, in excess of five percent by area; and

31 (2) If the previously adopted limited access plan was modified by
32 a board of review convened at the request of a county, city, or town,
33 the legislative authority of the county, city, or town shall approve
34 any revisions of the plan which conflict with modifications ordered by
35 the board of review.

1 **Sec. 144.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
2 as follows:

3 (1) Whenever the ((~~transportation commission~~)) committee adopts a
4 plan for a limited access highway to be constructed within the
5 corporate limits of a city or town which incorporates existing city or
6 town streets, title to such streets shall remain in the city or town,
7 and the provisions of RCW 47.24.020 as now or hereafter amended shall
8 continue to apply to such streets until such time that the highway is
9 operated as either a partially or fully controlled access highway.
10 Title to and full control over that portion of the city or town street
11 incorporated into the limited access highway shall be vested in the
12 state upon a declaration by the secretary of transportation that such
13 highway is operational as a limited access facility, but in no event
14 prior to the acquisition of right of way for such highway including
15 access rights, and not later than the final completion of construction
16 of such highway.

17 (2) Upon the completion of construction of a state limited access
18 highway within a city or town, the department of transportation may
19 relinquish to the city or town streets constructed or improved as a
20 functional part of the limited access highway, slope easements,
21 landscaping areas, and other related improvements to be maintained and
22 operated by the city or town in accordance with the limited access
23 plan. Title to such property relinquished to a city or town shall be
24 conveyed by a deed executed by the secretary of transportation and duly
25 acknowledged. Relinquishment of such property to the city or town may
26 be expressly conditioned upon the maintenance of access control
27 acquired by the state and the continued operation of such property as
28 a functional part of the limited access highway.

29 **Sec. 145.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended
30 to read as follows:

31 Whenever in the judgment of the legislative transportation
32 ((~~commission~~)) committee it is considered in the best interest of the
33 public highways of the state that any new toll bridge or bridges be
34 constructed upon any public highway and across any stream, body of
35 water, gulch, navigable water, swamp, or other topographical formation
36 and operated by the state the ((~~commission~~)) department shall adopt a
37 resolution declaring that public interest and necessity require the

1 construction of such toll bridge or bridges and authorizing the
2 issuance of revenue bonds for the purpose of obtaining funds in an
3 amount not in excess of that estimated to be required for such
4 construction. The issuance of bonds as provided in this chapter for
5 the construction of more than one toll bridge may at the discretion of
6 the (~~commission~~) department be included in the same authority and
7 issue of bonds.

8 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO**
9 **THE DEPARTMENT OF TRANSPORTATION**

10 NEW SECTION. **Sec. 146.** A new section is added to chapter 47.01
11 RCW to read as follows:

12 The secretary of transportation has the following powers and
13 duties:

14 (1) Propose to the governor and to the legislature before the
15 convening of each regular session during an odd-numbered year a
16 recommended budget for the operation of the department and for carrying
17 out the program of the department for the ensuing biennium. The
18 proposed budget must separately state the appropriations to be made
19 from the motor vehicle fund for highway purposes in accordance with
20 constitutional limitations and appropriations and expenditures to be
21 made from the general fund, or accounts thereof, and other available
22 sources for other operations and programs of the department;

23 (2) Review and authorize all departmental requests for legislation;

24 (3) Approve the issuance and sale of all bonds authorized by the
25 legislature for capital construction of state highways, toll
26 facilities, Columbia Basin county roads (for which reimbursement to the
27 motor vehicle fund has been provided), urban arterial projects, and
28 aviation facilities;

29 (4) Propose to the legislative transportation committee for
30 adoption such rules and policy directives as may be necessary to carry
31 out reasonably and properly those functions expressly vested in the
32 secretary by statute.

33 **Sec. 147.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to
34 read as follows:

35 For the purpose of providing funds for the acquisition of

1 headquarters facilities for district 1 of the department of
2 transportation and costs incidental thereto, together with all
3 improvements and equipment required to make the facilities suitable for
4 the department's use, there shall be issued and sold upon the request
5 of the (~~Washington transportation commission~~) department a total of
6 fifteen million dollars of general obligation bonds of the state of
7 Washington.

8 **Sec. 148.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to
9 read as follows:

10 Upon the request of the secretary of transportation (~~commission~~),
11 the state finance committee shall supervise and provide for the
12 issuance, sale, and retirement of the bonds authorized by RCW 47.02.120
13 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds
14 authorized by RCW 47.02.120 through 47.02.190 shall be sold in such
15 manner, at such time or times, in such amounts, and at such price as
16 the state finance committee shall determine. Except for the purpose of
17 repaying the loan from the motor vehicle fund, no such bonds may be
18 offered for sale without prior legislative appropriation of the net
19 proceeds of the sale of the bonds.

20 The state finance committee shall consider the issuance of short-
21 term obligations in lieu of long-term obligations for the purposes of
22 more favorable interest rates, lower total interest costs, and
23 increased marketability and for the purpose of retiring the bonds
24 during the life of the project for which they were issued.

25 **Sec. 149.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
26 read as follows:

27 In order to provide funds necessary for the location, design, right
28 of way, and construction of state and local highway improvements, there
29 shall be issued and sold upon the request of the (~~Washington state
30 transportation commission~~) department a maximum of one billion nine
31 hundred million dollars of general obligation bonds of the state of
32 Washington.

33 **Sec. 150.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
34 read as follows:

35 Upon the request of the (~~transportation commission~~) department,

1 the state finance committee shall supervise and provide for the
2 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
3 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
4 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such
5 manner, at such time or times, in such amounts, and at such price as
6 the state finance committee shall determine. No such bonds may be
7 offered for sale without prior legislative appropriation of the net
8 proceeds of the sale of the bonds.

9 The state finance committee shall consider the issuance of short-
10 term obligations in lieu of long-term obligations for the purposes of
11 more favorable interest rates, lower total interest costs, and
12 increased marketability and for the purpose of retiring the bonds
13 during the life of the project for which they were issued.

14 **Sec. 151.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended
15 to read as follows:

16 The (~~transportation commission~~) department may enter into
17 agreements with the state finance committee for financing the
18 acquisition, by purchase or condemnation, of real property together
19 with engineering costs that the (~~transportation commission~~)
20 department deems will be necessary for the improvement of the state
21 highway system. Such agreements may provide for the acquisition of an
22 individual parcel or for the acquisition of any number of parcels
23 within the limits of a contemplated highway project.

24 **Sec. 152.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended
25 to read as follows:

26 Each such agreement shall include, but shall not be limited to the
27 following:

28 (1) A provision stating the term of the agreement which shall not
29 extend more than seven years from the effective date of the agreement;

30 (2) A designation of the specific fund or funds to be used to carry
31 out such agreement;

32 (3) A provision that the department of transportation may redeem
33 warrants purchased by the state finance committee at any time prior to
34 the letting of a highway improvement contract utilizing the property;
35 and further, during the effective period of each such agreement the

1 department of transportation shall redeem such warrants whenever such
2 a highway improvement contract is let, or upon the expiration of such
3 agreement, whichever date is earlier;

4 (4) A provision stating the rate of interest such warrants shall
5 bear commencing at the time of purchase by the state finance committee;

6 (5) Any additional provisions agreed upon by the (~~transportation~~
7 ~~commission~~) department and the state finance committee which are
8 necessary to carry out the purposes of such agreement as indicated by
9 RCW 47.12.180 through 47.12.240(~~, as now or hereafter amended~~)).

10 **Sec. 153.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to
11 read as follows:

12 A state highway to be known as state route number 35 is established
13 as follows:

14 Beginning at the Washington-Oregon boundary line thence northerly
15 to a junction with state route number 14 in the vicinity of White
16 Salmon; however, until such time as a bridge across the Columbia River
17 is constructed at a location adopted by the (~~transportation~~
18 ~~commission~~) department no existing route may be maintained or improved
19 by the (~~transportation commission~~) department as a temporary route
20 for state route number 35.

21 **Sec. 154.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to
22 read as follows:

23 (1) A citizen advisory committee must be created for any project
24 developed under this chapter that imposes toll charges for use of a
25 transportation facility. The governor shall appoint nine members to
26 the committee, all of whom must be permanent residents of the affected
27 project area, as that term is used in RCW 47.46.030.

28 (2) The citizen advisory committee shall serve in an advisory
29 capacity to the (~~commission~~) department on all matters related to the
30 imposition of tolls. Members of the committee shall serve without
31 compensation.

32 (3) No toll charge may be imposed or modified unless the citizen
33 advisory committee has been given at least twenty days to review and
34 comment on any proposed toll charge schedule. In setting toll rates,
35 the (~~commission~~) department shall give consideration to any
36 recommendations of the citizen advisory committee.

1 **Sec. 155.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to
2 read as follows:

3 Pursuant to RCW 43.135.055, the legislature authorizes the
4 department of transportation (~~(commission)~~) to increase bridge tolls in
5 excess of the fiscal growth factor.

6 **Sec. 156.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to
7 read as follows:

8 All powers vested in the toll bridge authority as of September 21,
9 1977, relating to the acquiring, operating, extending, designing,
10 constructing, repairing, and maintenance of the Washington state
11 ferries or any part thereof and the collecting of tolls and charges for
12 use of its facilities, shall be performed by the department. The
13 (~~(commission)~~) department shall determine all fares, tolls, and other
14 charges for its facilities and shall directly perform all duties and
15 exercise all powers relating to financing, refinancing, and fiscal
16 management of the system's bonded indebtedness in the manner provided
17 by law.

18 **Sec. 157.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
19 read as follows:

20 (1) Except as permitted under chapter 47.46 RCW:

21 (a) The department of transportation shall have full charge of the
22 construction of all toll bridges and other toll facilities including
23 the Washington state ferries, and the operation and maintenance
24 thereof.

25 (b) The (~~(transportation commission)~~) department shall determine
26 and establish the tolls and charges thereon, and shall perform all
27 duties and exercise all powers relating to the financing, refinancing,
28 and fiscal management of all toll bridges and other toll facilities
29 including the Washington state ferries, and bonded indebtedness in the
30 manner provided by law.

31 (c) The department shall have full charge of design of all toll
32 facilities.

33 (d) Except as provided in this section, the department shall
34 proceed with the construction of such toll bridges and other facilities
35 and the approaches thereto by contract in the manner of state highway
36 construction immediately upon there being made available funds for such

1 work and shall prosecute such work to completion as rapidly as
2 practicable. The department is authorized to negotiate contracts for
3 any amount without bid under (d)(i) and (ii) of this subsection:

4 (i) Emergency contracts, in order to make repairs to ferries or
5 ferry terminal facilities or removal of such facilities whenever
6 continued use of ferries or ferry terminal facilities constitutes a
7 real or immediate danger to the traveling public or precludes prudent
8 use of such ferries or facilities; and

9 (ii) Single source contracts for vessel dry dockings, when there is
10 clearly and legitimately only one available bidder to conduct dry dock-
11 related work for a specific class or classes of vessels. The contracts
12 may be entered into for a single vessel dry docking or for multiple
13 vessel dry dockings for a period not to exceed two years.

14 (2) The department shall proceed with the procurement of materials,
15 supplies, services, and equipment needed for the support, maintenance,
16 and use of a ferry, ferry terminal, or other facility operated by
17 Washington state ferries, in accordance with chapter 43.19 RCW except
18 as follows:

19 (a) Except as provided in (d) of this subsection, when the
20 secretary of the department of transportation determines in writing
21 that the use of invitation for bid is either not practicable or not
22 advantageous to the state and it may be necessary to make competitive
23 evaluations, including technical or performance evaluations among
24 acceptable proposals to complete the contract award, a contract may be
25 entered into by use of a competitive sealed proposals method, and a
26 formal request for proposals solicitation. Such formal request for
27 proposals solicitation shall include a functional description of the
28 needs and requirements of the state and the significant factors.

29 (b) When purchases are made through a formal request for proposals
30 solicitation the contract shall be awarded to the responsible proposer
31 whose competitive sealed proposal is determined in writing to be the
32 most advantageous to the state taking into consideration price and
33 other evaluation factors set forth in the request for proposals. No
34 significant factors may be used in evaluating a proposal that are not
35 specified in the request for proposals. Factors that may be considered
36 in evaluating proposals include but are not limited to: Price;
37 maintainability; reliability; commonality; performance levels; life

1 cycle cost if applicable under this section; cost of transportation or
2 delivery; delivery schedule offered; installation cost; cost of spare
3 parts; availability of parts and service offered; and the following:

4 (i) The ability, capacity, and skill of the proposer to perform the
5 contract or provide the service required;

6 (ii) The character, integrity, reputation, judgment, experience,
7 and efficiency of the proposer;

8 (iii) Whether the proposer can perform the contract within the time
9 specified;

10 (iv) The quality of performance of previous contracts or services;

11 (v) The previous and existing compliance by the proposer with laws
12 relating to the contract or services;

13 (vi) Objective, measurable criteria defined in the request for
14 proposal. These criteria may include but are not limited to items such
15 as discounts, delivery costs, maintenance services costs, installation
16 costs, and transportation costs; and

17 (vii) Such other information as may be secured having a bearing on
18 the decision to award the contract.

19 (c) When purchases are made through a request for proposal process,
20 proposals received shall be evaluated based on the evaluation factors
21 set forth in the request for proposal. When issuing a request for
22 proposal for the procurement of propulsion equipment or systems that
23 include an engine, the request for proposal must specify the use of a
24 life cycle cost analysis that includes an evaluation of fuel
25 efficiency. When a life cycle cost analysis is used, the life cycle
26 cost of a proposal shall be given at least the same relative importance
27 as the initial price element specified in the request of proposal
28 documents. The department may reject any and all proposals received.
29 If the proposals are not rejected, the award shall be made to the
30 proposer whose proposal is most advantageous to the department,
31 considering price and the other evaluation factors set forth in the
32 request for proposal.

33 (d) If the department is procuring large equipment or systems
34 (e.g., electrical, propulsion) needed for the support, maintenance, and
35 use of a ferry operated by Washington state ferries, the department
36 shall proceed with a formal request for proposal solicitation under
37 this subsection (2) without a determination of necessity by the
38 secretary.

1 **Sec. 158.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
2 read as follows:

3 Upon approval of a majority of the voters within its boundaries
4 voting on the ballot proposition, and only for the purposes authorized
5 in RCW 36.120.050(1)(f), a regional transportation investment district
6 may impose vehicle tolls on state routes where improvements financed in
7 whole or in part by a regional transportation investment district add
8 additional lanes to, or reconstruct lanes on, a highway of statewide
9 significance. The department shall administer the collection of
10 vehicle tolls on designated facilities unless otherwise specified in
11 law, and (~~the state transportation commission, or its successor,~~)
12 shall be the tolling authority.

13 **Sec. 159.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to
14 read as follows:

15 Before the department proceeds with any action to secure a right of
16 way or with construction of any toll bridge under the provisions of
17 this chapter, the (~~commission~~) department shall first pass a
18 resolution that public interest and necessity require the acquisition
19 of right of way for and the construction of the toll bridge. The
20 resolution is conclusive evidence (1) of the public necessity of such
21 construction; (2) that the property is necessary therefor; and (3) that
22 the proposed construction is planned or located in a manner which will
23 be most compatible with the greatest public good and the least private
24 injury. When it becomes necessary for the department to condemn any
25 real estate to be used in connection with any such bridge, the attorney
26 general of the state shall represent the department. In eminent domain
27 proceedings to acquire property for any of the purposes of this
28 chapter, any toll bridge, real property, personal property, franchises,
29 rights, easements, or other property or privileges appurtenant thereto
30 appropriated or dedicated to a public use or purpose by any person,
31 firm, private, public, or municipal corporation, county, city, town,
32 district, or any political subdivision of the state, may be condemned
33 and taken, and the acquisition and use as provided in this chapter for
34 the same public use or purpose to which the property has been so
35 appropriated or dedicated, or for any other public use or purpose, is
36 a superior and permanent right and necessity, and a more necessary use
37 and purpose than the public use or purpose to which the property has

1 already been appropriated or dedicated. It is not necessary in any
2 eminent domain proceedings under this chapter to plead or prove any
3 acts or proceedings preliminary or prior to the adoption of the
4 resolution hereinbefore referred to describing the property sought to
5 be taken and directing such proceedings.

6 **Sec. 160.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to
7 read as follows:

8 The governor is authorized to take such actions as may be necessary
9 to insure the continued operation of the Puget Sound ferry and toll
10 bridge system under any emergency circumstances which threaten the
11 continued operation of the system. In the event of such an emergency,
12 the governor may assume all the powers granted by law to the
13 (~~transportation commission and~~) department of transportation with
14 respect to the ferry system. In addition, notwithstanding the
15 provisions of chapters 47.60 and 47.64 RCW, the governor may contract
16 with any qualified persons for the operation of the Washington state
17 ferry system, or any part thereof, or for ferry service to be provided
18 by privately owned vessels. Administrative costs to the office of the
19 governor incurred in the exercise of this authority shall be reimbursed
20 by the department.

21 **Sec. 161.** RCW 47.60.150 and 1999 c 94 s 26 are each amended to
22 read as follows:

23 Subject to the provisions of RCW 47.60.326, the schedule of charges
24 for the services and facilities of the system shall be fixed and
25 revised from time to time by the (~~commission~~) department so that the
26 tolls and other revenues deposited in the Puget Sound ferry operations
27 account for maintenance and operation, and all moneys in the Puget
28 Sound capital construction account available for debt service will
29 yield annual revenue and income sufficient, after allowance for all
30 operating, maintenance, and repair expenses to pay the interest and
31 principal and sinking fund charges for all outstanding revenue bonds,
32 and to create and maintain a fund for ordinary renewals and
33 replacements: PROVIDED, That if provision is made by any resolution
34 for the issuance of revenue bonds for the creation and maintenance of
35 a special fund for rehabilitating, rebuilding, enlarging, or improving

1 all or any part of the ferry system then such schedule of tolls and
2 rates of charges shall be fixed and revised so that the revenue and
3 income will also be sufficient to comply with such provision.

4 All income and revenues as collected shall be paid to the state
5 treasurer for the account of the department and deposited into the
6 Puget Sound ferry operations account. Nothing in this section requires
7 tolls on the Hood Canal bridge except as may be required by any bond
8 covenants.

9 **Sec. 162.** RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each
10 amended to read as follows:

11 (1) In order to maintain an adequate, fair, and economically sound
12 schedule of charges for the transportation of passengers, vehicles, and
13 commodities on the Washington state ferries, the department of
14 transportation each year shall conduct a full review of such charges.

15 (2) Prior to February 1st of each odd-numbered year the department
16 shall (~~transmit to the transportation commission~~) make public a
17 report of its review together with its recommendations for the revision
18 of a schedule of charges for the ensuing biennium. The (~~commission~~)
19 department on or before July 1st of that year shall adopt as a rule, in
20 the manner provided by the Washington Administrative Procedure Act, a
21 schedule of charges for the Washington state ferries for the ensuing
22 biennium commencing July 1st. The schedule may initially be adopted as
23 an emergency rule if necessary to take effect on, or as near as
24 possible to, July 1st.

25 (3) The department in making its review (~~and~~), formulating
26 recommendations, and (~~the commission in~~) adopting a schedule of
27 charges may consider any of the following factors:

28 (a) The amount of subsidy available to the ferry system for
29 maintenance and operation;

30 (b) The time and distance of ferry runs;

31 (c) The maintenance and operation costs for ferry runs with a
32 proper adjustment for higher costs of operating outmoded or less
33 efficient equipment;

34 (d) The efficient distribution of traffic between cross-sound
35 routes;

36 (e) The desirability of reasonable commutation rates for persons
37 using the ferry system to commute daily to work;

1 (f) The effect of proposed fares in increasing walk-on and
2 vehicular passenger use;

3 (g) The effect of proposed fares in promoting all types of ferry
4 use during nonpeak periods;

5 (h) Such other factors as prudent managers of a major ferry system
6 would consider.

7 (4) If at any time during the biennium it appears that projected
8 revenues from the Puget Sound ferry operations account and any other
9 operating subsidy available to the Washington state ferries will be
10 less than the projected total cost of maintenance and operation of the
11 Washington state ferries for the biennium, the department shall
12 forthwith undertake a review of its schedule of charges to ascertain
13 whether or not the schedule of charges should be revised. The
14 department shall, upon completion of its review report, ~~((submit))~~ make
15 public its recommendation ~~((to the transportation commission which))~~,
16 and may in its sound discretion revise the schedule of charges as
17 required to meet necessary maintenance and operation expenditures of
18 the ferry system for the biennium or may defer action until the regular
19 annual review and revision of ferry charges as provided in subsection
20 (2) of this section.

21 (5) The provisions of RCW 47.60.330 relating to public
22 participation shall apply to the process of revising ferry tolls under
23 this section.

24 (6) Under RCW 43.135.055, the ~~((transportation commission))~~
25 department may increase ferry tolls included in the schedule of charges
26 adopted under this section by a percentage that exceeds the fiscal
27 growth factor.

28 **Sec. 163.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to
29 read as follows:

30 (1) Before a substantial expansion or curtailment in the level of
31 service provided to ferry users, or a revision in the schedule of ferry
32 tolls or charges, the department of transportation shall consult with
33 affected ferry users. The consultation shall be: (a) By public
34 hearing in affected local communities; (b) by review with the affected
35 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting
36 a survey of affected ferry users; or (d) by any combination of (a)
37 through (c).

1 (2) There is created a ferry system productivity council consisting
2 of a representative of each ferry advisory committee empaneled under
3 RCW 47.60.310, elected by the members thereof, and two representatives
4 of employees of the ferry system appointed by mutual agreement of all
5 of the unions representing ferry employees, which shall meet from time
6 to time with ferry system management to discuss means of improving
7 ferry system productivity.

8 (3) Before increasing ferry tolls the department of transportation
9 shall consider all possible cost reductions with full public
10 participation as provided in subsection (1) of this section and,
11 consistent with public policy, shall consider adapting service levels
12 equitably on a route-by-route basis to reflect trends in and forecasts
13 of traffic usage. Forecasts of traffic levels shall be developed by
14 the bond covenant traffic engineering firm appointed under the
15 provisions of RCW 47.60.450. Provisions of this section shall not
16 alter obligations under RCW 47.60.450. Before including any toll
17 increase in a budget proposal (~~by the commission~~), the department of
18 transportation shall consult with affected ferry users in the manner
19 prescribed in (1)(b) of this section plus the procedure of either
20 (1)(a) or (c) of this section.

21 **Sec. 164.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to
22 read as follows:

23 Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the
24 (~~transportation commission~~) department shall not collect tolls on the
25 Hood Canal bridge for any purpose except where necessary to comply with
26 bond covenants.

27 The cost of maintenance, upkeep, and repair may be paid from funds
28 appropriated for the construction and maintenance of the primary state
29 highways of the state of Washington.

30 **Sec. 165.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to
31 read as follows:

32 In order to provide funds necessary for vessel and terminal
33 acquisition, construction, and major and minor improvements, including
34 long lead time materials acquisition for the Washington state ferries,
35 there shall be issued and sold upon the request of the (~~Washington~~

1 ~~state~~) department of transportation (~~commission~~) and legislative
2 appropriation a total of two hundred ten million dollars of general
3 obligation bonds of the state of Washington.

4 **Sec. 166.** RCW 36.120.050 and 2002 c 56 s 105 are each amended to
5 read as follows:

6 (1) A regional transportation investment district planning
7 committee may, as part of a regional transportation investment plan,
8 recommend the imposition of some or all of the following revenue
9 sources, which a regional transportation investment district may impose
10 upon approval of the voters as provided in this chapter:

11 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
12 up to 0.5 percent of the selling price, in the case of a sales tax, or
13 value of the article used, in the case of a use tax, upon the
14 occurrence of any taxable event in the regional transportation
15 investment district;

16 (b) A local option vehicle license fee, as specified under RCW
17 82.80.100, of up to one hundred dollars per vehicle registered in the
18 district. As used in this subsection, "vehicle" means motor vehicle as
19 defined in RCW 46.04.320. Certain classes of vehicles, as defined
20 under chapter 46.04 RCW, may be exempted from this fee;

21 (c) A parking tax under RCW 82.80.030;

22 (d) A local motor vehicle excise tax under RCW 81.100.060 and
23 chapter 81.104 RCW;

24 (e) An employer excise tax under RCW 81.100.030; and

25 (f) Vehicle tolls on new or reconstructed facilities. Unless
26 otherwise specified by law, the department shall administer the
27 collection of vehicle tolls on designated facilities, and the (~~state~~)
28 department of transportation (~~commission~~), or its successor, shall be
29 the tolling authority.

30 (2) Taxes, fees, and tolls may not be imposed without an
31 affirmative vote of the majority of the voters within the boundaries of
32 the district voting on a ballot proposition as set forth in RCW
33 36.120.070. Revenues from these taxes and fees may be used only to
34 implement the plan as set forth in this chapter. A district may
35 contract with the state department of revenue or other appropriate
36 entities for administration and collection of any of the taxes or fees
37 authorized in this section.

1 (3) Existing statewide motor vehicle fuel and special fuel taxes,
2 at the distribution rates in effect on January 1, 2001, are not
3 intended to be altered by this chapter.

4 NEW SECTION. **Sec. 167.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 47.01.051 (Commission created--Appointment of members--
7 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

8 (2) RCW 47.01.061 (Commission--Procedures and internal operations)
9 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c
10 59 s 1, & 1977 ex.s. c 151 s 6.

11 NEW SECTION. **Sec. 168.** Sections 101 through 167 of this act take
12 effect January 1, 2004.

13 **PERFORMANCE AUDITS**

14 NEW SECTION. **Sec. 169.** LEGISLATIVE INTENT. The legislature finds
15 that in order to recapture the public trust and demonstrate to the
16 public that the department of transportation is operating as
17 efficiently and effectively as possible, the department must be subject
18 to regular performance audits supervised by the legislature. The
19 legislature further finds that the department can recapture public
20 trust by submitting performance data to the legislature along with its
21 project list.

22 NEW SECTION. **Sec. 170.** A new section is added to chapter 44.40
23 RCW to read as follows:

24 PERFORMANCE AUDITS OF THE DEPARTMENT OF TRANSPORTATION. (1) Every
25 four years the legislative transportation committee shall undertake
26 independent, objective, and comprehensive performance audits of the
27 department of transportation, to be performed in accordance with
28 government auditing standards.

29 (2) For the purposes of this chapter, "government auditing
30 standards" means the Generally Accepted Government Auditing Standards
31 (GAGAS) as published by the Comptroller General of the United States
32 General Accounting Office (GAO).

33 (3) The performance audit report must include:

1 (a) Identification of potential cost savings in the department of
2 transportation, its programs, and its services;

3 (b) Identification of funding to the department of transportation,
4 to programs, and to services that can be eliminated or reduced;

5 (c) Identification of programs and services that can be eliminated,
6 reduced, or transferred to the private sector;

7 (d) Analysis of gaps and overlaps in programs and services and
8 recommendations for improving, dropping, blending, or separating
9 functions to correct gaps or overlaps;

10 (e) Analysis and recommendations for pooling information technology
11 systems used within the department;

12 (f) Analysis of the roles and functions of the department, its
13 programs, and its services and their compliance with statutory
14 authority and recommendations for eliminating or changing those roles
15 and functions and ensuring compliance with statutory authority;

16 (g) Recommendations for eliminating or changing statutes, rules,
17 and policy directives as may be necessary to ensure that the department
18 carry out reasonably and properly those functions expressly vested in
19 the department by statute;

20 (h) Verification of the reliability and validity of department
21 performance data, self-assessments, and performance measurement systems
22 as required under RCW 43.88.090; and

23 (i) Identification and recognition of best practices.

24 (4) The legislative transportation committee may require the
25 department to provide all information required for completion of any
26 audit, and the department shall fully and completely cooperate with the
27 legislative transportation committee for the purposes of this section.
28 Costs of complying with the requirements will be paid by the
29 department.

30 (5) The legislative transportation committee shall contract with
31 the state auditor for conducting performance audits and shall provide
32 oversight of the audits. Employees within the legislative
33 transportation committee's office, if available and qualified, may
34 assist in the audits. The legislative transportation committee shall
35 create and maintain a list of qualified private sector professional and
36 technical experts who may be selected to conduct performance audits
37 either by lot or on a rotating basis.

1 department and on further opportunities for contracting out within the
2 department. In recommending programs that might be performed by the
3 private sector, the secretary shall emphasize programs that could be
4 undertaken at a lower cost by the private sector than by state
5 employees, and programs in which the use of the private sector could
6 augment the department's work force in order to increase the
7 department's capacity to complete projects as quickly as possible. The
8 secretary may issue the report electronically by publishing it on the
9 department's web site and by transmitting the report electronically to
10 all members of the house and senate transportation committees.

11 **PREVAILING WAGE**

12 **Sec. 204.** RCW 39.12.010 and 1989 c 12 s 6 are each amended to read
13 as follows:

14 The definitions in this section apply throughout this chapter.

15 (1) The "prevailing rate of wage" (~~(, for the intents and purposes~~
16 ~~of this chapter, shall be))~~ is the rate of hourly wage, usual benefits,
17 and overtime paid in the locality (~~(, as hereinafter defined, to the~~
18 ~~majority of))~~ to workers, laborers, or mechanics, in the same trade or
19 occupation on nonpublic construction projects. (~~(In the event that~~
20 ~~there is not a majority in the same trade or occupation paid at the~~
21 ~~same rate, then the average rate of hourly wage and overtime paid to~~
22 ~~such laborers, workers, or mechanics in the same trade or occupation~~
23 ~~shall be the prevailing rate.))~~ If the wage paid by any contractor or
24 subcontractor to laborers, workers, or mechanics on any public work is
25 based on some period of time other than an hour, the hourly wage for
26 the purposes of this chapter shall be mathematically determined by the
27 number of hours worked in such period of time.

28 (2) The "locality" (~~(for the purposes of this chapter shall be the~~
29 ~~largest city in))~~ is the county wherein the physical work is being
30 performed.

31 (3) The "usual benefits" (~~(for the purposes of this chapter shall))~~
32 include the amount of:

33 (a) The rate of contribution irrevocably made by a contractor or
34 subcontractor to a trustee or to a third person pursuant to a fund,
35 plan, or program; and

1 (b) The rate of costs to the contractor or subcontractor which may
2 be reasonably anticipated in providing benefits to workers, laborers,
3 and mechanics pursuant to an enforceable commitment to carry out a
4 financially responsible plan or program which was communicated in
5 writing to the workers, laborers, and mechanics affected, for medical
6 or hospital care, pensions on retirement or death, compensation for
7 injuries or illness resulting from occupational activity, or insurance
8 to provide any of the foregoing, for unemployment benefits, life
9 insurance, disability and sickness insurance, or accident insurance,
10 for vacation and holiday pay, for defraying costs of apprenticeship or
11 other similar programs, or for other bona fide fringe benefits, but
12 only where the contractor or subcontractor is not required by other
13 federal, state, or local law to provide any of such benefits.

14 (4) An "interested party" (~~((for the purposes of this chapter~~
15 ~~shall))~~) includes a contractor, subcontractor, an employee of a
16 contractor or subcontractor, an organization whose members' wages,
17 benefits, and conditions of employment are affected by this chapter,
18 and the director of labor and industries or the director's designee.

19 **Sec. 205.** RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended
20 to read as follows:

21 All determinations of the prevailing rate of wage shall be made by
22 the industrial statistician of the department of labor and industries
23 using a stratified random sampling methodology.

24 **Sec. 206.** RCW 39.12.020 and 1989 c 12 s 7 are each amended to read
25 as follows:

26 (1) The hourly wages to be paid to laborers, workers, or
27 mechanics(~~(7)~~) employed by contractors or subcontractors directly upon
28 the project site of work upon all public works estimated to cost more
29 than two hundred fifty thousand dollars and under all public building
30 service maintenance contracts of the state or any county, municipality
31 or political subdivision created by its laws, shall be not less than
32 the prevailing rate of wage for an hour's work in the same trade or
33 occupation in the locality within the state where such labor is
34 performed, if the results of a benefit-cost analysis show that the
35 costs do not exceed the benefits of paying the prevailing wage required
36 in this section. (~~((For a contract in excess of ten thousand dollars,))~~)

1 (b) The department must lease the rights to operate safety rest
2 areas for a commercially reasonable period of time, but no longer than
3 twenty years;

4 (c) The department may lease the right to operate either individual
5 safety rest areas, or groups of safety rest areas, or both, to a
6 private entity;

7 (d) Before entering into a lease with an entity, the department
8 shall contact food or beverage retailers, restaurants, grocery and
9 convenience stores, lodging, and service station businesses within one
10 mile from the highway exits immediately before and after the rest stop
11 location, in each direction of traffic, and allow these businesses an
12 opportunity to bid or otherwise negotiate with the department to
13 operate the facility. If no business responds with a reasonable bid or
14 offer within sixty days, the department shall open the bid or
15 negotiation process to all interested entities;

16 (e) The department must take all necessary action to ensure the
17 most favorable lease rates for the state, whether by bid or other
18 reasonable manner, and to require the lessee to enter into any other
19 contract or agreement to protect the state and its citizens from
20 commercial harm or other type of harm; and

21 (f) A lease must allow a nonprofit organization that had previously
22 conducted fund-raising activities or vending machine sales on the
23 premises to continue the activities. Alternatively, at the election of
24 the nonprofit organizations, one percent of gross sales will be divided
25 between all nonprofit organizations that had conducted fund-raising
26 activities on the premises within the twenty-four months before the
27 effective date of the lease. Payments must be calculated and paid
28 every six months on a pro rata basis, whereby each nonprofit
29 organization is entitled to a share of the sales equal to the
30 percentage of time that organization actually spent working on the
31 premises relative to any other nonprofit organization that also
32 conducted fund-raising activities on the premises for the twenty-four
33 months before the effective date of the lease.

34 **PRIVATIZE PASSENGER-ONLY FERRIES**

35 NEW SECTION. **Sec. 208.** The legislature finds that the Washington
36 state department of transportation should focus on its core ferry

1 mission of moving automobiles on Washington state's marine highways.
2 The legislature finds that current statutes impose barriers to entities
3 other than the state operating passenger-only ferries. The legislature
4 intends to lift those barriers to allow entities other than the state
5 to provide passenger-only ferry service. The legislature finds that
6 the provision of this service and the improvement in the mobility of
7 the citizens of Washington state is legally adequate consideration for
8 the use of state facilities in conjunction with the provision of the
9 service, and the legislature finds that allowing the operators of
10 passenger-only ferries to use state facilities on the basis of legally
11 adequate consideration does not evince donative intent on the part of
12 the legislature.

13 **Sec. 209.** RCW 47.60.120 and 1993 c 427 s 1 are each amended to
14 read as follows:

15 (1) If the department acquires or constructs, maintains, and
16 operates any ferry crossings upon or toll bridges over Puget Sound or
17 any of its tributary or connecting waters, there shall not be
18 constructed, operated, or maintained any other ferry crossing upon or
19 bridge over any such waters within ten miles of any such crossing or
20 bridge operated or maintained by the department excepting such bridges
21 or ferry crossings in existence, and being operated and maintained
22 under a lawfully issued franchise at the time of the location of the
23 ferry crossing or construction of the toll bridge by the department.

24 (2) The ten-mile distance in subsection (1) of this section means
25 ten statute miles measured by airline distance. The ten-mile
26 restriction shall be applied by comparing the two end points (termini)
27 of a state ferry crossing to those of a private ferry crossing.

28 (3) The Washington utilities and transportation commission may,
29 upon written petition of a commercial ferry operator certificated or
30 applying for certification under chapter 81.84 RCW, and upon notice and
31 hearing, grant a waiver from the ten-mile restriction. The waiver must
32 not be detrimental to the public interest. In making a decision to
33 waive the ten-mile restriction, the commission shall consider, but is
34 not limited to, the impact of the waiver on transportation congestion
35 mitigation, air quality improvement, and the overall impact on the
36 Washington state ferry system. The commission shall act upon a request
37 for a waiver within ninety days after the conclusion of the hearing.

1 A waiver is effective for a period of five years from the date of
2 issuance. At the end of five years the waiver becomes permanent unless
3 appealed within thirty days by the commission on its own motion, the
4 department, or an interested party.

5 (4) The department shall not maintain and operate any ferry
6 crossing or toll bridge over Puget Sound or any of its tributary or
7 connecting waters that would infringe upon any franchise lawfully
8 issued by the state and in existence and being exercised at the time of
9 the location of the ferry crossing or toll bridge by the department,
10 without first acquiring the rights granted to such franchise holder
11 under the franchise.

12 (5) This section does not apply to operators of passenger-only
13 ferry service.

14 **Sec. 210.** RCW 47.64.090 and 1983 c 15 s 27 are each amended to
15 read as follows:

16 (1) If any party assumes the operation and maintenance of any ferry
17 or ferry system by rent, lease, or charter from the department of
18 transportation, such party shall assume and be bound by all the
19 provisions herein and any agreement or contract for such operation of
20 any ferry or ferry system entered into by the department shall provide
21 that the wages to be paid, hours of employment, working conditions and
22 seniority rights of employees will be established by the marine
23 employees' commission in accordance with the terms and provisions of
24 this chapter and it shall further provide that all labor disputes shall
25 be adjudicated in accordance with chapter 47.64 RCW.

26 (2) The department of transportation shall make its terminal, dock,
27 and pier space available to operators of passenger-only ferries if the
28 space can be made available without limiting the operation of car
29 ferries operated by the department. The department may not charge any
30 lease, rent, or fee in excess of amounts necessary to be deemed legally
31 adequate for the use of the department's facility.

32 NEW SECTION. **Sec. 211.** A new section is added to chapter 47.60
33 RCW to read as follows:

34 When augmenting the existing ferry fleet, the department of
35 transportation ferry capital program shall explore cost-effective

1 options to include the leasing of ferries from private-sector
2 organizations.

3 **PART III**

4 **ALTERNATIVE DELIVERY PROCEDURES FOR TRANSPORTATION SERVICES**

5 **PUBLIC ART**

6 **Sec. 301.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to
7 read as follows:

8 All state agencies including all state departments except the
9 department of transportation, boards, councils, commissions, and quasi
10 public corporations shall allocate, as a nondeductible item, out of any
11 moneys appropriated for the original construction of any public
12 building, an amount of one-half of one percent of the appropriation to
13 be expended by the Washington state arts commission for the acquisition
14 of works of art. The works of art may be placed on public lands,
15 integral to or attached to a public building or structure, detached
16 within or outside a public building or structure, part of a portable
17 exhibition or collection, part of a temporary exhibition, or loaned or
18 exhibited in other public facilities. In addition to the cost of the
19 works of art the one-half of one percent of the appropriation as
20 provided herein shall be used to provide for the administration of the
21 visual arts program by the Washington state arts commission and all
22 costs for installation of the works of art. For the purpose of this
23 section building shall not include highway construction sheds,
24 warehouses or other buildings of a temporary nature.

25 **TRAILS AND PATHS**

26 **Sec. 302.** RCW 47.30.050 and 1999 c 269 s 11 are each amended to
27 read as follows:

28 ~~((1) The amount expended by a city, town, or county as authorized~~
29 ~~by RCW 47.30.030 shall never in any one fiscal year be less than 0.42~~
30 ~~percent of the total amount of funds received from the motor vehicle~~
31 ~~fund according to RCW 46.68.090. However, this section does not apply~~
32 ~~to a city or town in any year in which the 0.42 percent equals five~~
33 ~~hundred dollars or less, or to a county in any year in which the 0.42~~

1 ~~percent equals three thousand dollars or less. Also, a city, town, or~~
2 ~~county in lieu of expending the funds each year may credit the funds to~~
3 ~~a financial reserve or special fund, to be held for not more than ten~~
4 ~~years, and to be expended for the purposes required or permitted by RCW~~
5 ~~47.30.030.~~

6 ~~(2) In each fiscal year)) Only when receiving a specific~~
7 ~~legislative appropriation, the department of transportation ((shall))~~
8 ~~may expend((, as a minimum, for the purposes mentioned in RCW 47.30.030~~
9 ~~a sum equal to three tenths of one percent of all funds, both)) state~~
10 ~~and federal((, expended for the construction of state highways in such~~
11 ~~year, or in order to more efficiently)) funds to program trail or path~~
12 ~~improvements ((the department may defer any part of such minimum trail~~
13 ~~or path expenditures for a fiscal year for a period not to exceed four~~
14 ~~years after the end of such fiscal year. Any fiscal year in which the~~
15 ~~department expends for trail or path purposes more than the minimum sum~~
16 ~~required by this subsection, the amount of such excess expenditure~~
17 ~~shall constitute a credit which may be carried forward and applied to~~
18 ~~the minimum trail and path expenditure requirements for any of the~~
19 ~~ensuing four fiscal years.~~

20 ~~(3) The department of transportation, a city, or a county in~~
21 ~~computing the amount expended for trails or paths under their~~
22 ~~respective jurisdictions may include the cost of improvements~~
23 ~~consistent with a comprehensive plan or master plan for bicycle trails~~
24 ~~or paths adopted by a state or local governmental authority either~~
25 ~~prior to such construction or prior to January 1, 1980)).~~

26 **FREIGHT AND AMTRAK**

27 NEW SECTION. Sec. 303. The following acts or parts of acts are
28 each repealed:

29 (1) RCW 47.76.200 (Legislative findings) and 1995 c 380 s 1, 1993
30 c 224 s 1, & 1983 c 303 s 4;

31 (2) RCW 47.76.210 (State freight rail program) and 1995 c 380 s 2
32 & 1990 c 43 s 2;

33 (3) RCW 47.76.220 (State rail plan--Contents) and 1995 c 380 s 3,
34 1993 c 224 s 2, 1985 c 432 s 1, & 1983 c 303 s 5;

35 (4) RCW 47.76.230 (Freight rail planning) and 1995 c 380 s 4 & 1990
36 c 43 s 3;

- 1 (5) RCW 47.76.240 (Rail preservation program) and 1995 c 380 s 5,
2 1993 c 224 s 3, & 1990 c 43 s 4;
- 3 (6) RCW 47.76.250 (Essential rail assistance account--Purposes) and
4 1996 c 73 s 2, 1995 c 380 s 6, 1993 c 224 s 4, 1991 sp.s. c 13 s 22,
5 1991 c 363 s 125, & 1990 c 43 s 11;
- 6 (7) RCW 47.76.270 (Essential rail banking account merged into
7 essential rail assistance account) and 1995 c 380 s 7, 1993 c 224 s 6,
8 1991 sp.s. c 13 s 120, 1991 c 363 s 127, & 1990 c 43 s 7;
- 9 (8) RCW 47.76.280 (Sale or lease for use as rail service--Time
10 limit) and 1995 c 380 s 8, 1993 c 224 s 7, 1991 sp.s. c 15 s 61, 1991
11 c 363 s 126, & 1985 c 432 s 3;
- 12 (9) RCW 47.76.290 (Sale or lease for other use--Authorized buyers,
13 notice, terms, deed, deposit of moneys) and 1993 c 224 s 8, 1991 sp.s.
14 c 15 s 62, & 1985 c 432 s 4;
- 15 (10) RCW 47.76.300 (Sale for other use--Governmental entity) and
16 1993 c 224 s 9, 1991 sp.s. c 15 s 63, & 1985 c 432 s 5;
- 17 (11) RCW 47.76.310 (Rent or lease of lands) and 1993 c 224 s 10,
18 1991 sp.s. c 15 s 64, & 1985 c 432 s 6;
- 19 (12) RCW 47.76.320 (Sale at public auction) and 1993 c 224 s 11,
20 1991 sp.s. c 15 s 65, & 1985 c 432 s 7;
- 21 (13) RCW 47.76.330 (Eminent domain exemptions) and 1993 c 224 s 12,
22 1991 sp.s. c 15 s 66, & 1985 c 432 s 8;
- 23 (14) RCW 47.76.340 (Evaluating program performance) and 1993 c 224
24 s 13 & 1990 c 43 s 8;
- 25 (15) RCW 47.76.350 (Monitoring federal rail policies) and 1990 c 43
26 s 10;
- 27 (16) RCW 47.82.010 (Service improvement program) and 1990 c 43 s
28 36;
- 29 (17) RCW 47.82.020 (Depot upgrading) and 1990 c 43 s 37;
- 30 (18) RCW 47.82.030 (Service extension) and 1990 c 43 s 38; and
- 31 (19) RCW 47.82.040 (Coordination with other rail systems and common
32 carriers) and 1990 c 43 s 39.

33 NEW SECTION. **Sec. 304.** The department of transportation shall
34 sell at fair market value any equipment, rolling stock, rights of way,
35 or other real or personal property owned by the department and relating
36 to rail freight or passenger programs. The proceeds must be deposited
37 in the motor vehicle account.

1 **CONGESTION RELIEF**

2 NEW SECTION. **Sec. 305.** A new section is added to chapter 47.04
3 RCW to read as follows:

4 The department shall identify all transportation projects and
5 activities that are primarily intended to reduce traffic congestion or
6 add capacity. Once identified, the department must prioritize the
7 projects using the following criteria:

8 (1) The department must review the capacity of those highways known
9 to have congestion problems, and determine at what percentage of
10 capacity the highway is operating. Those highways that are closest to
11 capacity or most over capacity must receive the highest priority; and

12 (2) Each of the department's geographic administrative regions must
13 complete its highway construction projects in the order of their
14 prioritized ranking. The highest priority projects in each region must
15 be completed before starting on lower priority projects.

16 **HIGH-OCCUPANCY VEHICLE LANES**

17 **Sec. 306.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to
18 read as follows:

19 The state department of transportation and the local authorities
20 are authorized to reserve (~~(all or any portion)~~) one lane of any
21 general purpose highway containing at least four lanes in each
22 direction, under their respective jurisdictions, including any
23 designated lane or ramp, for the exclusive or preferential use of
24 public transportation vehicles or private motor vehicles carrying no
25 fewer than a specified number of passengers when such limitation will
26 increase the efficient utilization of the highway or will aid in the
27 conservation of energy resources. Regulations authorizing such
28 exclusive or preferential use of a highway facility may be declared to
29 be effective (~~(at all times or)~~) at specified times of day or on
30 specified days. Violation of a restriction of highway usage prescribed
31 by the appropriate authority under this section is a traffic
32 infraction.

33 **Sec. 307.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended
34 to read as follows:

35 Highway authorities of the state, counties, and incorporated cities

1 and towns, in addition to the specific powers granted in this chapter,
2 shall also have, and may exercise, relative to limited access
3 facilities, any and all additional authority, now or hereafter vested
4 in them relative to highways or streets within their respective
5 jurisdictions, and may regulate, restrict, or prohibit the use of such
6 limited access facilities by various classes of vehicles or traffic.
7 Such highway authorities may reserve any limited access facility
8 containing at least four lanes in each direction, or portions thereof,
9 including designated lanes or ramps for the exclusive or preferential
10 use of public transportation vehicles, privately owned buses, or
11 private motor vehicles carrying not less than a specified number of
12 passengers when such limitation will increase the efficient utilization
13 of the highway facility or will aid in the conservation of energy
14 resources. Regulations authorizing such exclusive or preferential use
15 of a highway facility may be declared to be effective at all time or at
16 specified times of day or on specified days.

17 NEW SECTION. **Sec. 308.** A new section is added to chapter 47.52
18 RCW to read as follows:

19 Upon completion of the Vancouver high-occupancy vehicle lanes pilot
20 project that began on October 28, 2001, and concluded October 28, 2002,
21 the department of transportation may only proceed with future high-
22 occupancy vehicle lane projects in counties with a population of three
23 hundred thousand or more that border the state of Oregon, when vehicle
24 spaces at park and ride lots within the county are three times the
25 capacity in existence on January 1, 2004, or if the Interstate 5 bridge
26 over the Columbia River is retrofitted to include four permanent
27 southbound general purpose lanes.

28 NEW SECTION. **Sec. 309.** The following acts or parts of acts are
29 each repealed:

- 30 (1) RCW 81.100.010 (Purpose) and 2002 c 56 s 409 & 1990 c 43 s 12;
- 31 (2) RCW 81.100.020 (Definitions) and 1990 c 43 s 13;
- 32 (3) RCW 81.100.030 (Employer tax) and 2002 c 56 s 410, 1991 c 363
33 s 153, & 1990 c 43 s 14;
- 34 (4) RCW 81.100.040 (Adoption of goals) and 1990 c 43 s 15;
- 35 (5) RCW 81.100.050 (Survey of tax use) and 1990 c 43 s 16;

1 (6) RCW 81.100.060 (Excise tax) and 2002 c 56 s 411, 1998 c 321 s
2 34, 1992 c 194 s 12, 1991 c 363 s 154, & 1990 c 43 s 17;

3 (7) RCW 81.100.070 (High occupancy vehicle account) and 1991 sp.s.
4 c 13 ss 105, 119 & 1990 c 43 s 18;

5 (8) RCW 81.100.080 (Use of funds) and 1990 c 43 s 19;

6 (9) RCW 81.100.090 (Interlocal agreements) and 1990 c 43 s 20; and

7 (10) RCW 81.100.100 (Urban public transportation system) and 1990
8 c 43 s 21.

9 **PART IV**

10 **TRANSPORTATION REVENUE REFORMS**

11 **CAPRON**

12 NEW SECTION. **Sec. 401.** RCW 46.68.080 (Refund of vehicle license
13 fees and fuel tax to island counties) and 1961 c 12 s 46.68.080 are
14 each repealed.

15 **SALES TAX ON CONSTRUCTION PROJECTS**

16 NEW SECTION. **Sec. 402.** LEGISLATIVE INTENT. It is the intent of
17 the legislature that every penny of constitutionally restricted gas tax
18 revenue is expended solely for the purposes outlined in the 18th
19 Amendment to the state Constitution. Therefore, the sales tax paid on
20 projects constructed by the Washington state department of
21 transportation must be expended solely for necessary operating,
22 engineering, construction, maintenance, repair, betterment, and other
23 highway purposes as determined by the department and the legislature.
24 The legislature further intends that the state treasurer shall deposit
25 all sales and use taxes collected on all department of transportation
26 projects, including safety and environmental retrofit and maintenance
27 projects, to the credit of the motor vehicle account.

28 NEW SECTION. **Sec. 403.** A new section is added to chapter 82.32
29 RCW to read as follows:

30 (1) Effective for taxes collected in fiscal year 2006, the tax
31 imposed and collected under chapters 82.08 and 82.12 RCW, less any
32 credits allowed under chapter 82.14 RCW, on any department of

1 transportation project will be transferred from the general fund to the
2 motor vehicle account once each year as described by subsection (3) of
3 this section.

4 (2) This transaction is exempt from the requirements in RCW
5 43.135.035(4).

6 (3) Government entities conducting construction projects within the
7 improvement program in RCW 47.05.030, except for those projects related
8 to safety and environmental retrofit, shall report to the department by
9 August 1st of each year the amount of state sales or use tax
10 attributable to the projects identified in this section from the
11 previous fiscal year for purposes of transfer to the motor vehicle
12 account. The department shall notify the state treasurer of the amount
13 of the transfer by September 30th of each year.

14 NEW SECTION. **Sec. 404.** Part headings and section captions used in
15 this act are not part of the law.

--- END ---